



# भारत का राजपत्र

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सं. २३]

लवं फिल्सी, मन्दिर, जून ७, १९९७/ज्येष्ठ १७, १९१९

No. 23]

NEW DELHI, SATURDAY, JUNE 7, 1997/JYAISTHA 17, 1919

इस भाग में भिन्न पृष्ठ दस्तावेज़ की चारी है जिन्हें ताकि यह अलग संकलन के रूप में रखा जा सके।  
Separate Paging is given to this Part in order that it may be filed as a separate compilation

भाग II—खण्ड ३—उप-खण्ड (ii)  
PART II—Section 3—Sub-section (ii)

भारत सरकार के खातालकों (अलग संकलन की ओर) द्वारा जारी लिखे गए संघीयिक आदेश और बहिराष्ट्रीय

Statutory Orders and Notifications Issued by the Ministries of the Government of India  
(Other than the Ministry of Defence)

कार्यिक, लोक शिकायत तथा पेशन संकालन  
(कार्यिक और प्रशिक्षण विभाग)

नई दिल्ली, १९ मई, १९९७

का. आ. १४६९.—केन्द्रीय सरकार एतदद्वारा आतंकवादी और विद्युत्सकारी त्रियाकलाप (निवारण) अधिनियम, १९८७ (१९८७ का २८) की धारा १३ की उपधारा (१) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री पी. वेल्लाइचामी, एड्योकेट पूर्व श्री पालावीचामी नामांकन सं. ८२/५७, निवासी टी.ए. प्लैट, टी.एम. मैस्टरी रोड, बसन्त नगर, चेन्नई-६०००४१ को राजागोपालन, अध्यक्ष हिन्दू मुनामी की हत्या में संबंधित विली विशेष प्रतिक्रिया स्थापना नियमित मामला सं. ७ (एस) ९६ सी वी आई, एस सी बी मटास में अभियोजन का संचालन तिम्मेलवेली (तमिलनाडु), तथा किसी श्रव्य स्थान पर, जहाँ इस मामले का विचारण किया जाना है, उक्त अधिनियम की धारा १ के अधीन संस्थित नामनिर्दिष्ट न्यायालय में करने के लिये विशेष लोक अभियोजक के रूप में नियुक्त करनी है।

[सं. २२५/६६/९६-एवीडी-II]  
हरि सिंह, अवर सचिव

MINISTRY OF PERSONNEL PUBLIC GRIEVANCES  
AND PENSION  
(Department of Personnel and Training)  
New Delhi, the 19th May, 1997

S.O. 1469.—In exercise of the powers conferred by Sub-Section (1) of Section 13 of the Terrorist and Disruptive Activities (Prevention) Act, 1987 (28 of 1987), the Central Government hereby appoints Shri P. Vellaichamy, Advocate, S/o Shri Palavichamy, Enrol No. 82/57, R/o T. A. Flat, T. M. Maistry Road, Besant Nagar, Chennai-41, as Special Public Prosecutor for conducting prosecution of the Delhi Special Police Establishment: Regular case No. 7(S)/96 CBI, SCB Madras, relating to murder of Rajagopalan, President Hindu Munani, in the Designated Court constituted under Section 9 of the said Act at Thirunelveli (Tamil Nadu), and at any other place where the case is tried.

[No. 225/66/96-AVD-II]  
HARI SINGH, Under Secy.

नई दिल्ली, १९ मई, १९९७

का. आ. १४७०.—केन्द्रीय सरकार एतदद्वारा दृष्ट प्रतिक्रिया संहिता १९७३ (१९७४ का २) की धारा २४ की उपधारा (८) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए श्री पी. वेल्लाइचामी, एड्योकेट, पूर्व श्री पालावीचामी, नामांकन सं. ८२/५७, निवासी टी.ए. प्लैट, टी.एम. मैस्टरी रोड, बसन्त नगर, चेन्नई-६०००४१ को मीनाक्षी मम्माम मंदिर

बम विस्फोट से संबंधित दिल्ली विशेष पुलिस स्थापना के नियमित मामला सं. 6(एस) / 96 सीबीआई, एसमीवी, मद्रास, में अभियोजन का संचालन न्यायिक मजिस्ट्रेट, प्रथम श्रेणी, मदुरै, मेशन न्यायाधीश और/अथवा अपर सेशन न्यायाधीश, मदुरै (तमिलनाडु) के न्यायालय में करने के लिये विशेष लोक अभियोजक के रूप में नियुक्त करती है।

[सं. 225/66/96-एवीडी-II]

हरि सिंह, अवर सचिव

New Delhi, the 19th May, 1997

S.O. 1470.—In exercise of the powers conferred by Sub-Section (8) of Section 24 of the Code of Criminal Procedure, 1973 (2 of 1974), the Central Government hereby appoints Shri P. Vellaichamy, Advocate, S/o Shri Palavichamy, Enrol No. 82/57, Rio T.A. Flat, T. M. Maistry Road, Besant Nagar, Chennai-41, as Special Public Prosecutor for conducting prosecution of the Delhi Special Police Establishment Regular case No. 6(S)/96 CBI, SCB, Madras, relating to Meenakshi Amman Temple Bomb Blast, in the Court of Judicial Magistrate 1st Class, Madurai, Session Judge and/or Additional Session Judge, Madurai (Tamil Nadu).

[No. 225/66/96-AVD-II]  
HARI SINGH, Under Secy.

ग्रादेश

नई दिल्ली, 19 मई, 1997

का.आ. 1471.—केन्द्रीय सरकार एतदकारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए विहार राज्य सरकार, गृह (पुलिस) विभाग अधिसूचना सं. 3/विविध-6047/96-एच(पी) दिनांक 7-9-1996 द्वारा प्राप्त विहार राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तारण प्रतिलिप्याधिकार अधिनियम, 1957 (1957 का अधिनियम सं. 14) की धारा 63, 63-ए, 63-बी, 65, 67, 68, 68-ए और 69 के अधीन दंडनीय अपराधों तथा उपर्युक्त वर्णित अपराधों में से किसी एक अथवा अधिक से संबंधित या संसक्त प्रयत्नों, दृष्टेरणों तथा पड़यन्त्रों और उन्हीं तथ्यों से उद्भूत वैसे ही संघवहार के अनुक्रम में किया गया कोई अन्य अपराध अथवा किये गये अन्य अपराधों के अन्वेषण के लिये संपूर्ण विहार राज्य पर करती है।

बशर्ते कि विहार सरकार के मामलों के लिये नियोजित लोक सेवक तथा बिहार सरकार के नियंत्रणाधीन किसी स्थानीय प्राधिकरण अथवा विहार सरकार के स्वामित्व में अथवा उसके द्वारा नियंत्रित किसी तिरंगित कंपनी अथवा बैंक अथवा बिहार सरकार से कोई वित्तीय सहायता प्राप्त कर रहे अथवा वित्तीय सहायता प्राप्त किसी संस्था के मामलों के लिये नियोजित अधिक प्रतिलिप्याधिकार अधिनियम के अधीन अपराधों से संबद्ध हों, ऐसे किन्हीं अपराधों के अन्वेषण के लिये दिल्ली विशेष पुलिस

स्थापना द्वारा बिहार सरकार की पुर्वानुमति प्राप्त की जायेगी।

[सं. 228/22/96-ए.वी.डी.-II(i)]  
हरि सिंह, अवर सचिव

#### ORDER

New Delhi, the 19th May, 1997

S.O. 1471.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act 1946 (Act No. 25 of 1946), the Central Government, with the consent of the State Government of Bihar, Home (Police) Department Notification No. 3/Vividh-6047/96-H(P) dated 7-9-1996, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Bihar for investigation of the offences punishable under Sections 63, 63A, 63B, 65, 67, 68, 68A and 69 of the Copyright Act, 1957 (Act No. 14 of 1957) and attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same facts.

Provided that, where public servants employed in connection with the affairs of the Government of Bihar and persons employed in connection with the affairs of any local authority subject to the control of the Government of Bihar or any corporation company or Bank owned or controlled by the Government of Bihar or any institution receiving or having received any financial aid from the Government of Bihar are concerned in the offences under the Copy Rights Act the prior consent of the Bihar Government shall be obtained for the investigation of any such offence by the Delhi Special Police Establishment.

[No. 228/22/96-AVD-II(i)]  
HARI SINGH, Under Secy.

ग्रादेश

नई दिल्ली, 19 मई, 1997

का.आ. 1472.—केन्द्रीय सरकार, दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए मणिपुर राज्य सरकार, गृह विभाग की अधिसूचना सं. 4/2 (43) 88-एच(पार्ट-ए) दिनांक 4-12-1996 द्वारा प्राप्त मणिपुर राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के सदस्यों की शक्तियों और अधिकारिता का विस्तारण प्रतिलिप्याधिकार अधिनियम, 1957 (1957 का अधिनियम सं. 14) की धारा 63, 63-ए, 63-बी, 65, 67, 68, 68-ए और 69 के अधीन दंडनीय अपराधों तथा उपर्युक्त वर्णित अपराधों में से किसी एक अथवा अधिक से मंबंधित या संसक्त प्रयत्नों, दृष्टेरणों तथा पड़यन्त्रों और उन्हीं तथ्यों से उद्भूत वैसे ही संघवहार के अनुक्रम में किया गया कोई अन्य अपराध अथवा किये गये अन्य अपराधों के अन्वेषण के लिये संपूर्ण मणिपुर राज्य पर करती है।

[सं. 228/22/96-ए.वी.डी.-II(ii)]  
हरि सिंह, अवर सचिव

## ORDER

New Delhi, the 19th May, 1997

S.O. 1472.—In exercise of the powers conferred by sub-section (1) of Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, with the consent of the State Government of Manipur ... Department Notification No. 4/2 (43)/88-HPT-A dated ..., 1996, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Manipur for investigation of the offences punishable under Sections 63, 63A, 68B, 65, 67, 68, 68A and 69 of the Copy Right Act, 1957 (Act No. 14 of 1957) and attempts, abetments and conspiracies to relation to or in connection with one or more of the offences mentioned above and any other offence or offences committed in the course of the same transaction arising out of the same.

[No. 228/22/96-AVD-II(ii)]  
HARI SINGH, Under Secy.

श्रादेश

नई दिल्ली, 19 मई, 1997

का.आ. 1473.—केन्द्रीय सरकार एतद्वारा दिल्ली विशेष पुलिस स्थापना अधिनियम, 1946 (1946 का अधिनियम, सं. 25) की धारा 6 के साथ पठित धारा 5 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए आन्ध्र प्रदेश राज्य सरकार, गृह (एमसीए) विभाग, जी.ओ.एम.एस.सं. 443 दिनांक 24-12-1996 द्वारा प्राप्त आन्ध्र प्रदेश राज्य सरकार की सहमति से दिल्ली विशेष पुलिस स्थापना के सदस्यों वी शक्तियों और अधिकारिता का विस्तारण प्रतिलिप्याधिकार अधिनियम, 1957 (1957 का अधिनियम सं. 14) की धारा 63, 63-ए, 63-बी, 65, 67, 68, 68-ए और 69 के अधीन वंचनीय अपराधों तथा उपयुक्त वर्णित अपराधों में से किसी एक अथवा अधिक से संबंधित या संस्कृत प्रयत्नों, दुष्प्रेरणों तथा पड़यत्वों और उन्हीं तथ्यों से उद्भूत वैसे ही संव्यवहार के अनुश्रम में किया गया कोई अन्य अपराध अथवा किये गये अन्य अपराधों के अन्वेषण के लिये संपूर्ण आन्ध्र प्रदेश राज्य पर करती है।

[सं. 228/22/96-ए.वी.ई.-II(iii)]

हरि सिंह, अवर सचिव

## ORDER

New Delhi, the 19th May, 1997

S.O. 1473.—In exercise of the powers conferred by sub-section (1) of Section 5 read with Section 6 of the Delhi Special Police Establishment Act, 1946 (Act No. 25 of 1946), the Central Government, with the consent of the State Government of Andhra Pradesh, Home (SCA) Department G.O. Ms. No. 443 dated 24-12-1996, hereby extends the powers and jurisdiction of the members of the Delhi Special Police Establishment to the whole of the State of Andhra Pradesh for investigation of the offences punishable under Sections 63, 63A, 63B, 65, 67, 68, 68A and 69 of the Copy Right Act, 1957 (Act No. 14 of 1957) and attempts, abetments and conspiracies in relation to or in connection with one or more of the offences mentioned above and any other offence

or offences committed in the course of the same transaction arising out of the same facts.

[No. 228/22/96-AVD-II(ii)]  
HARI SINGH, Under Secy.

वित्त मंत्रालय

(आर्थिक कार्य विभाग)

(बैंकिंग प्रभाग)

नई दिल्ली, 21 मई, 1997

का.आ. 1474.—राष्ट्रीयकृत बैंक (प्रबंध और प्रक्रीय उपवंध) स्मील, 1980 के खंड 3 के उप-खंड (1) और खंड 8 के उप-खंड (1) के साथ पठित बैंककारी कंपनी (उपत्रमों का अर्जन और अंतरण) अधिनियम, 1980 की धारा 9 की उपधारा 3 के खंड (क) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, भारतीय रिजर्व बैंक से परामर्श करने के पश्चात् एतद्वारा, श्री एन.आर. नटराजन, वर्तमान महाप्रबंधक, इंडियन ओवर-सीज बैंक को उनके कार्यभार व्यूह करने की तरीके से और 31 मार्च, 2000 तक की प्रवधि के लिये विजया बैंक के पूर्णकालिक निवेशक (कार्यपालक निवेशक के रूप में पदनामित) के रूप में नियुक्त करती है।

[एफ.सं. 9/8/97-बी.ओ.-I]  
सुधीर श्रीवास्तव, उप सचिव

## MINISTRY OF FINANCE

(Department of Economic Affairs)  
(Banking Division)

New Delhi, the 21st May, 1997

S.O. 1474.—In exercise of the powers conferred by clause (a) of sub-section 3 of Section 9 of the Banking Companies (Acquisition and Transfer of Undertakings) Act, 1980, read with sub-clause (1) of clause 3 and sub-clause (1) of clause 8 of the Nationalised Banks (Management and Miscellaneous Provisions) Scheme, 1980, the Central Government, after consultation with the Reserve Bank of India hereby appoints Shri N. R. Natarajan presently General Manager, Indian Overseas Bank as a whole time Director (designated as the Executive Director) of Vijaya Bank for the period from the date of his taking charge and upto 31st March, 2000.

[F. No. 9/8/97-B.O.I]  
SUDHIR SHRIVASTAVA, Dy. Secy.

वाणिज्य मंत्रालय

नई दिल्ली, 23 मई, 1997

का.आ. 1475.—नियंति (क्वालिटी नियंत्रण और नियंत्रण) अधिनियम, 1963 (1963 का 22) की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार वहां उपांध्र अनुसूची में वर्णित अकार्डिनिक वर्गों का नियंति से पूर्व नियंत्रण करने के लिये मेसर्स इंसपेक्शन अवैंड सर्विसेस (इंडिया) प्रा. नि. 26, चौ/27, पार्क

लेन कलकत्ता-700016 को 6 अक्टूबर 1996 से हीन और वर्षों की अवधि के लिए निम्न शर्तों के अधीन अभिकरण के रूप में मान्यता देती है, अर्थात् :—

(i) मैसर्स इंस्पेक्शन सर्वें एंड सर्विलेस (इंडिया) प्रा. लि., नियर्ति निरीक्षण परिषद द्वारा इस संबंध में नामित अधिकारियों को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएँ देगा ताकि अकार्बनिक वर्णकों के नियर्ति निरीक्षण नियम 1966 के नियम 4 के अन्तर्गत निरीक्षण प्रमाण पत्र दिया जा सके।

(ii) मैसर्स इंस्पेक्शन सर्वें एंड सर्विलेस (इंडिया) प्रा. लि. इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे नियंत्रणों से आबद्ध होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

अनुसूची

1. जिक आक्साइड
2. लाल सीसा
3. सफेद सीसा

[फाईल सं. 5/20/97-ई आई एंड ई पी]  
कुमारी सुमा सुब्बणा, निदेशक

#### MINISTRY OF COMMERCE

New Delhi, the 23rd May, 1997

S.O. 1475.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 6th October, 1996, M/s. Inspection Survey & Surveillance (India) Private Limited, 26-D/27, Park Lane, Calcutta-700016 as an agency for the inspection of Inorganic Pigments specified in schedule annexed hereto, prior to export, subject to the following conditions, namely :—

- (i) that M/s. Inspection Survey & Surveillance (India) Private Limited, shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Inorganic Pigments (Inspection) Rules, 1966 ;
- (ii) that M/s. Inspection Survey & Surveillance (India) Private Limited, in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

#### SCHEDULE

1. Zinc Oxide
2. Red Lead
3. White Lead

[F. No. 5/20/97-EI & EPI]

KUM. SUMA SUBBANNA, Director

नई दिल्ली, 23 मई, 1997

का. प्रा. 1476.—नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार भारत सरकार के वाणिज्य मंत्रालय की अधिसूचना सं. का. प्रा. 1270 तारीख 25 मार्च, 1966 के साथ संलग्न अनुसूची-II में विनिर्दिष्ट अकार्बनिक रसायनों का नियर्ति से पूर्ण निरीक्षण करने के लिए मैसर्स इंस्पेक्शन सर्वें एंड सर्विलेस (इंडिया) प्रा. लि., 26 डी/27, पार्क लेन, कलकत्ता-700016 को 6 अक्टूबर, 1996 से तीन वर्षों की अवधि के लिए निम्न शर्तों के अधीन अभिकरण के रूप में मान्यता देती है, अर्थात् :—

(i) मैसर्स इंस्पेक्शन सर्वें एंड सर्विलेस (इंडिया) प्रा. लि. नियर्ति निरीक्षण परिषद द्वारा इस संबंध में नामित अधिकारियों को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएँ देगा ताकि अकार्बनिक रसायनों का नियर्ति (निरीक्षण) नियम, 1966 के नियम 4 के अन्तर्गत निरीक्षण प्रमाण पत्र दिया जा सके।

(ii) मैसर्स इंस्पेक्शन सर्वें एंड सर्विलेस (इंडिया) प्रा. लि., इस अधिसूचना के अधीन अपने कृत्यों के पालन में ऐसे नियंत्रणों द्वारा आबद्ध होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय समय पर लिखित रूप में देंगे।

[फाईल सं. 5/20/97-ई आई एंड ई पी]  
कुमारी सुमा सुब्बणा, निदेशक

New Delhi, the 23rd May, 1997

S.O. 1476.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years, with effect from 6th October, 1996, M/s. Inspection Survey & Surveillance (India) Private Limited 26-D/27, Park Lane, Calcutta-700016 as an agency for inspection of Inorganic Chemicals specified in Schedule-II annexed to the notification of the Government of India in the Ministry of Commerce No. S.O. 1270 dated the 25th March, 1966 prior to export subject to the following conditions, namely :—

- (i) that M/s. Inspection Survey & Surveillance (India) Private Limited shall give adequate facilities to the officers nominated by the Export Inspection Council

- in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Inorganic Chemicals (Inspection) Rules, 1966;
- (ii) that M/s. Inspection Survey & Surveillance (India) Private Ltd. in the performance of their function under this notification shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[F. No. 5/20/97-EI&EP]  
KUM. SUMA SUBBANNA, Director

नई दिल्ली, 23 मई, 1997

का.आ. 1477.—नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार द्वारा हुए लोहे के मैनहोल के टक्कन तथा फ्रेमों का नियंत्रण करने के लिए मैसर्स इंसपेक्शन सर्वे एंड सर्विसेस (इंडिया) प्रा. लिमिटेड, 26 बी/27 पार्क लेन, कलकत्ता-700 016 को 6 अक्टूबर, 1996 से तीन और बर्बादी की अवधि के लिए निम्न शर्तों के अधीन अभिकरण के रूप में मान्यता देती है, प्रथमतः—

- (i) मैसर्स इंसपेक्शन सर्वे एंड सर्विसेस (इंडिया) प्रा. लिमिटेड नियर्ति निरीक्षण परिपद द्वारा इस संबंध में नामित अधिकारी को अपने द्वारा अपनाई गयी निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा ताकि द्वारा हुए मैन होल के टक्कनों तथा फ्रेमों के नियंत्रण (निरीक्षण) नियम, 1971 के नियम 4 के अन्तर्गत निरीक्षण प्रमाण पत्र दिया जा सके।
- (ii) मैसर्स इंसपेक्शन सर्वे एंड सर्विसेस (इंडिया) प्रा. लिमिटेड, इस अधिसूचना के पालन में ऐसे निर्देशों द्वारा आवश्यक होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

[पार्ट II सं. 5/20/97-ई आई एंड ई पी]  
कुमारी सुमा सूबणा, निदेशक

New Delhi, the 23rd May, 1997

S.O. 1477.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 6th October, 1996, M/s. Inspection Survey and Surveillance (India) Private Limited, 26 D/27, Park Lane, Calcutta-700016 as an agency for inspection of Cast Iron Manhole Covers and Frames, prior to export, subject to the following conditions namely :—

- (i) that M/s. Inspection Survey & Surveillance (India) Private Limited shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of Inspection followed by them in granting the certificate of inspection under Rule 4 of the Export of East Iron Manhole Covers and Frames (Inspection) Rules, 1971;
- (ii) that M/s. Inspection Survey & Surveillance (India) Private Limited, in the performance of their function under this notification, shall be bound by such directives as the Director (Inspection and Quality Control) may give in writing from time to time.

[F. No. 5/20/97-EI&EP]  
KUM. SUMA SUBBANNA, Director  
नई दिल्ली, 23 मई, 1997

का.आ. 1478.—नियर्ति (क्वालिटी नियंत्रण और निरीक्षण) अधिनियम, 1963 (1963 का 22) की धारा 7 द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार, इससे उपाधिका अनुसूची में विनियोग व्यवस्था अध्यक्ष (ग्रुप-II) का नियर्ति में पूर्व निरीक्षण करने के लिए मैसर्स इंसपेक्शन सर्वे एंड सर्विसेस (इंडिया) प्रा.लि., 26 बी/27 पार्क लेन, कलकत्ता-700016 को 6 अक्टूबर, 1996 से तीन और बर्बादी की अवधि के लिए निम्न शर्तों के अधीन अभिकरण के रूप में मान्यता देती है, प्रथमतः—

- (i) मैसर्स इंसपेक्शन सर्वे एंड सर्विसेस (इंडिया) प्रा. लि., नियर्ति निरीक्षण परिपद द्वारा इस संबंध में नामित अधिकारीयों को अपने द्वारा अपनाई गई निरीक्षण पद्धति की जांच करने के लिए पर्याप्त सुविधाएं देगा ताकि व्यवस्था अध्यक्ष (ग्रुप-II) के नियर्ति (निरीक्षण) नियम, 1965 के नियम 4 के अन्तर्गत निरीक्षण का प्रमाणपत्र दिया जा सके।
- (ii) मैसर्स इंसपेक्शन सर्वे एंड सर्विसेस (इंडिया) प्रा. लि., इस अधिसूचना के अधीन अपने हूल्हों के पालन में ऐसे निर्देशों द्वारा आवश्यक होगा जो निदेशक (निरीक्षण एवं क्वालिटी नियंत्रण) समय-समय पर लिखित रूप में देंगे।

अनुसूची

1. मैग्नीज आयरसाइट
2. कायनाइट
3. सिल्वरमैनाइट
4. जिक सेकेन्डरी महित कच्चा जिक
5. मैग्नेसाइट
6. वेराइटिस

7. लाल आक्साइड
8. पीला गैरिक
9. स्टेटाइट
10. फेल्डस्पार

[फाईल नं. 5/20/97-ईमाई-डर्ही]  
कुमारी सुमा सुब्बना, निदेशक

New Delhi, the 23rd May, 1997

S.O. 1478.—In exercise of the powers conferred by sub-section (1) of Section 7 of the Export (Quality Control and Inspection) Act, 1963 (22 of 1963), the Central Government hereby recognises, for a further period of three years with effect from 6th October, 1996, M/s. Inspection Survey and Surveillance (India) Private Limited, 26 D/27, Park Lane, Calcutta-700016 as an Agency for inspection of Minerals and Ores (Group-II) as specified in schedule annexed hereto, prior to export, subject to the following conditions namely :—

- (i) that M/s. Inspection Survey and Surveillance (India) Private Limited shall give adequate facilities to the officers nominated by the Export Inspection Council in this behalf to examine the method of inspection followed by them in granting the certificate of inspection under rule 4 of the Export of Minerals and Ores Group-II (Inspection) Rules, 1965;
- (ii) that M/s. Inspection Survey & Surveillance (India) Private Limited in the performance of their function under this notification shall be bound by such directive as the Director (Inspection and Quality Control) may give in writing from time to time.

#### SCHEDULE

1. Manganese Dioxide
2. Kyanite
3. Sillimanite
4. Zinc Ores, including zinc concentrates

5. Magnesite, including dead burnt and calcined magnesite
6. Barytes
7. Red Oxide
8. Yellow Ochre
9. Steatite
10. Feldspar.

[F. No. 5/20/97-EL&EP]

KUM. SUMA SUBBANNA, Director

नागरिक पूर्ति, उपभोक्ता मामले और सार्वजनिक वितरण मंत्रालय

नई दिल्ली, 16 मई, 1997

का.ग्रा. 1479 केन्द्रीय सरकार, का विहित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट (नीचे आकृति देखिए) पर विचार करने के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक प्रधिनियम 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुमोदन) नियम 1987 के उपबन्धों के अनुसप्त हैं और इस बात की संभावना है कि वह लगातार प्रयोग की अवधि में यथार्थता बनाये रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा।

अतः, केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 उपधारा (7) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए, मध्यम यथार्थता वर्ग 3 की पीपी सिरीज टाईप के "प्रिन्स" बोंड नाम वाले स्वतःसूचक गैर-स्वचालित प्लेटफार्म तोलन उपकरण के माडल का (जिसे इसमें इसके पश्चात् माडल कहा गया है) जिसका विनिर्माण भूसं प्रिन्स स्केल इण्डियरीज, साप नं. 1, समोप हरीओम सोसायटी, गोरी सिनेमा, अहमदाबाद-382415 द्वारा किया गया है और जिसे अनुमोदन चिन्ह आई.एन.बी./09/96/36 समनुविष्ट किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

माडल (आकृति देखिए) एक मध्यम (यथार्थता वर्ग 3) का तोलन उपकरण है जिसकी अधिकतम क्षमता 120 किलोग्राम और न्यूनतम क्षमता 400 ग्राम है। सत्यापन मापमान अन्तर (ई) 20 ग्राम है। इसमें एक टेयर युक्त है जिसका व्यक्तिनात्मक प्रतिधारण प्रभाव 100 प्रतिशत है। भारताही आयताकार सैक्षण का है जिसका आकार  $400 \times 500$  मिलीमीटर है। प्रकाश उत्सर्जन डायोड संप्रदाये तोल परिणाम उपदर्शित करता है। यह उपकरण

230 वोल्ट, 50 हर्टज के प्रव्यावर्ती धारा विद्युत प्रदाय पर प्रचालित होता है।



(आकृति)

आगे, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शब्दियों का प्रयोग करते हुए, यह घोषणा करती है कि माडल के अनुसोदन के इस प्रमाण पत्र के अन्तर्गत उसी विनियमित धारा उसी मिहानत छिजाईन के अनुसार और उसी सामग्री से, जिससे अनुसोदित माडल का विनियमित किया गया है विनियमित 30 किलोग्राम/5 ग्राम, 50 किलोग्राम/10 ग्राम, 150 किलोग्राम/20 ग्राम, 200 किलोग्राम/50 ग्राम, 300 किलोग्राम/50 ग्राम, 500 किलोग्राम/100 ग्राम और 1000 ग्राम/200 ग्राम की अधिकतम क्षमता वाले समरूप मेक, यथार्थता और उभी सिरीज के कार्यकरण वाले तोलन उपकरण भी हैं।

[का.सं. डब्ल्यू.एम 21(15)/95]  
राजीव श्रीवास्तव, संयुक्त सचिव

#### MINISTRY OF CIVIL SUPPLIES, CONSUMER AFFAIRS AND PUBLIC DISTRIBUTION

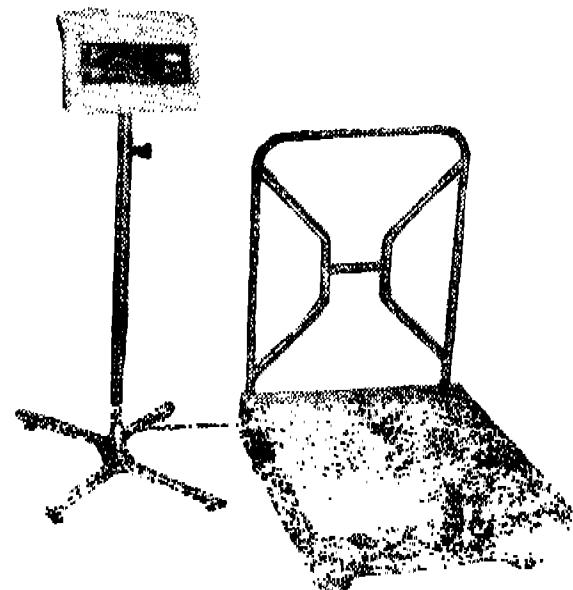
New Delhi, the 16th May, 1997

S.O. 1479.—Whereas the Central Government after con-  
sub-section (7) of Section 36 of the said Act, the Central  
is satisfied that the Model described in the said report (see  
figure given below) is in conformity with the provisions of  
the Standards of Weights and Measures Act, 1976 (60 of  
1976), and the Standards of Weights and Measures (Approval  
of Models) Rules, 1987 and the said model is likely to  
maintain accuracy over periods of sustained use and to render  
accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic platform weighing instrument of type PP series of class III Medium accuracy with brand name "PRINCE" (hereinafter referred to as the Model), manufactured by M/s. Prince Scale Indus-

tries, Shop No. 1, Near Hariom Society, Gauri Cinema, Ahmedabad-382415, and which is assigned the approval mark JND/09/96/36;

The Model, is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 120 kg and minimum capacity of 400 g. The verification scale interval (e) is 20 gram. It has a tare device with a 100 per cent substrative retained tare effect. The load receptor is of rectangular section of size 400×500 millimetres. The LED display indicates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



(Figure)

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 30kg/5g, 50kg/10g, 150kg/20g, 200kg/50g, 300kg/50g, 500kg/100g and 1000kg/200g manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which the approved Model has been manufactured.

[File No. WM 21(15)/95]  
RAJIV SRIVASTAVA, Jt. Secy.

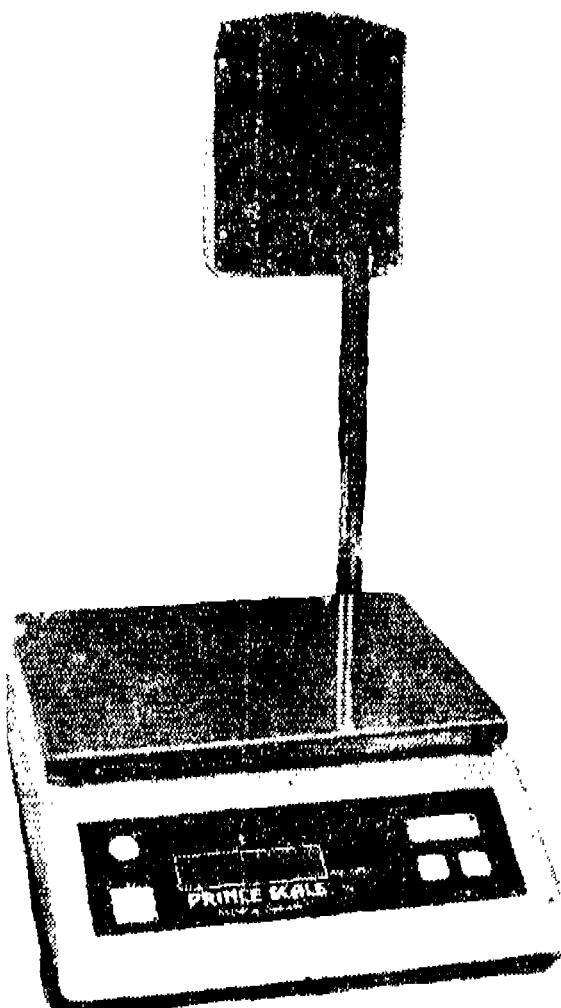
नई दिल्ली, 16 मई, 1997

का.आ. 1480.—केन्द्रीय सरकार का विद्वित प्राधिकारी द्वारा उसे प्रस्तुत की गई रिपोर्ट (नीचे आकृति देखिए) पर विचार करते के पश्चात्, समाधान हो गया है कि उक्त रिपोर्ट में वर्णित माडल बाट और माप मानक अधिनियम, 1976 (1976 का 60) और बाट और माप मानक (माडल का अनुग्रहन) नियम, 1987 के उपबन्धों के अनुसर है और इस बाट को संभावना है कि वह लगातार प्रयोग की प्रवधि में यथार्थता बनाये रखेगा और विभिन्न परिस्थितियों में उपयुक्त सेवा देता रहेगा:

अतः केन्द्रीय सरकार, उक्त अधिनियम की धारा 36 उपधारा (7) द्वारा प्रदत्त शब्दियों का प्रयोग करते हुए,

मध्यम यथार्थता वर्ग III की पीढ़ी सिरीज टाईप के "प्रिन्स" ब्राइड नाम वाले स्वतंसूचक और गैर-स्वाक्षरित टेबलटाप तोलन उपकरण के माडल का (जिसमें इसके पश्चात भाइल कहा गया है) जिसका विनिर्माण भैराम प्रिन्स स्केल इण्डस्ट्रीज, शॉप सं. 1, समीप हरीओम गोसायी, गोरी सिनेमा, अहमदाबाद-382415 द्वारा किया गया है और जिसे अनुमोदन विभाग आई.एन.वी./09/96/37 समनुदित किया गया है, अनुमोदन प्रमाणपत्र प्रकाशित करती है।

भाइल (आकृति देखिए) एक मध्यम यथार्थता (यथार्थता वर्ग III) का तोलन उपकरण है जिसकी प्रशिक्तिम क्षमता 10 किलोग्राम और न्यूनतम क्षमता 40 ग्राम है। सत्यापन मापमान अन्तर (ई) 2 ग्राम है। इसमें एक देयर युक्ति है जिसका व्यक्तिनात्मक प्रतिधारण प्रभाव 100 प्रतिशत है। भारतीय वर्गकार मैक्शन का है जिसका प्राकार  $250 \times 250$  मिलीमीटर है। प्रकाश उत्तर्वत डायोड संप्रदर्श तोल परिणाम उपदर्शित करता है यह उपकरण 230 वोल्ट, 50 हर्टज के प्रत्यावर्ती धारा विद्युत प्रवाह पर प्रचालित होता है।



(आकृति)

आगे, केन्द्रीय सरकार उक्त धारा की उपधारा (12) द्वारा प्रदत्त शक्तियों का प्रयोग करने हुए, यह घोषा करती है कि माडल के अनुमोदन के इस प्रमाण पत्र के अन्तर्गत उसी विनिर्माण द्वारा उसी सिद्धान्त डिजाइन के अनुमान और उसी सामग्री से, जिसमें अनुमोदित माडल का विनिर्माण किया गया है विनिर्मित 500 ग्राम/100 मिलीग्राम, 1 किलोग्राम/200 मिलीग्राम, 2 किलोग्राम/500 मिलीग्राम, 5 किलोग्राम/1 ग्राम, 15 किलोग्राम/5 ग्राम, 20 किलोग्राम/5 ग्राम और 25 किलोग्राम/5 ग्राम की श्रिंखलाम क्षमता वाले समस्त मैक्शन, यथार्थता और उपर्योग के कार्यकरण वाले तोलन उपकरण भी हैं।

[पा.स. डब्ल्यू. एम 21(15)/95]

राजीव श्रीवास्तव, सदृक्त सचिव

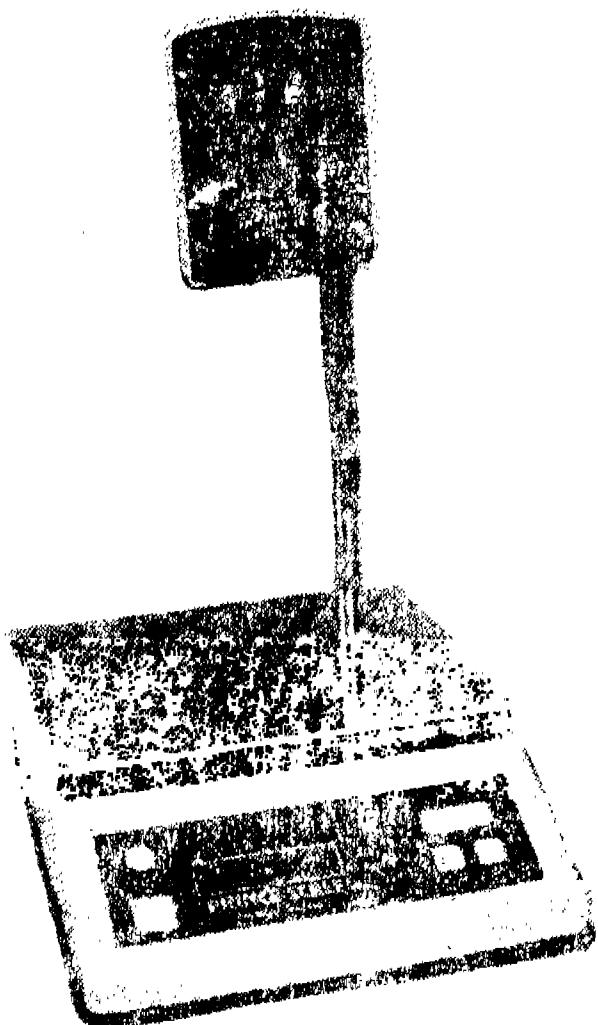
New Delhi, the 16th May, 1997

S.O. 1480.—Whereas the Central Government, after considering the report submitted to it by the prescribed authority, is satisfied that the Model described in the said report (see figure given below) is in conformity with the provisions of the Standards of Weights and Measures Act, 1976 (60 of 1976) and the Standards of Weights and Measures (Approval of Models) Rules, 1987 and the said model is likely to maintain accuracy over periods of sustained use and to render accurate service under varied conditions;

Now, therefore, in exercise of the powers conferred by sub-section (7) of Section 36 of the said Act the Central Government hereby publishes the certificate of approval of the Model of the self-indicating non-automatic table top weighing instrument of type PT series of class III Medium accuracy with brand name "PRINCE" (hereinafter referred to as the Model), manufactured by M/s. Prince Scale Industries, Shop No. 1, Near Hariom Society, Gauri Cinema, Ahmedabad-382415, and which is assigned the approval mark IND/09/96/37:

The Model is a medium accuracy (accuracy class III) weighing instrument with a maximum capacity of 10 kg and minimum capacity of 40g. The verification scale interval (e) is 2 gram. It has a tare device with a 100 per cent subtractive retained tare effect. The load receptor is of square section of size  $250 \times 250$  millimetres. The LED display indi-

cates the weighing result. The instrument operates on 230 volts, 50 Hertz alternate current power supply;



FIGURE

Further, in exercise of the powers conferred by sub-section (12) of the said section, the Central Government hereby declares that this certificate of approval of the model shall also cover the weighing instrument of similar make, accuracy and performance of same series with maximum capacity of 500g|100mg, 1kg|200mg, 2kg|500mg, 5kg|1g, 15kg|5g, 20kg|5g and 25kg|5g manufactured by the same manufacturer in accordance with the same principle, design and with the same materials with which, the approved Model has been manufactured.

[File No. WM 21(15)/95]  
RAJIV SRIVASTAVA, Lt. Secy.

विज्ञान और प्रौद्योगिकी मंत्रालय

(विज्ञान और प्रौद्योगिकी विभाग)

नई दिल्ली, 26 मई, 1997

का. आ. 1481.—श्री चित्रा तिरुनल आयु-  
विज्ञान एवं प्रौद्योगिकी संस्थान इतिरुवनतंपुरम् नियम,  
1981 के साथ पठित श्री चित्रा तिरुनल आयु-विज्ञान  
एवं प्रौद्योगिकी संस्थान, तिरुवनतंपुरम्, अधिनियम, 1980  
(1980 का अधिनियम 52), की धारा 5 (च) (४)  
तथा (अ) के तहत गणितों का प्रयोग करते हुए, केन्द्रीय  
सरकार एवं द्वारा उक्त अधिनियम के तहत नियम  
1280 GI/97-2

श्री चित्रा तिरुनल आयु-विज्ञान एवं प्रौद्योगिकी संस्थान के सदस्य के रूप में निम्नलिखित व्यक्तियों को नामित करती है:—धारा 5 (च) के तहत नामित सदस्य

1. डा. बी. आर. मुत्युकरण, उप-कुलपति भारतीय विज्ञान संस्थान दिल्ली—620024 निम्नलाइन
  2. डा. एन. ग्रवाजी राव, भारतीय विज्ञान संस्थान दिल्ली—560012
  3. डा. के. एन. गव्हार (सेवानिवृत्त उप कुलपति) दिल्ली विश्वविद्यालय नेशनल प्रोफेसर ऑफ इकानामिक्स प्रॉफेसर एमिरिटस फैलो, सेन्टर फॉर डिवेलपमेंट स्टडीज, तिरुवनतंपुरम्
- धारा 5 (छ) के तहत नामित सदस्य ।
1. डा. डी. डी. भावसकर, निदेशक उक्त प्रौद्योगिकी केन्द्र, दिल्ली—112013
  2. डा. एस. महाजन, भार्ता परमाणु अनुसंधान केन्द्र द्राम्बे, मुंबई
  3. डा. एस. रामनन्दन, पूर्व सचिव, डी बी टी 1, लिंगाऊड ल्यू स्ट्रीट न्यूनम् एक्सटेंशन नेश्वरी—600035
- धारा 5 (अ) के तहत नामित सदस्य
1. डा. एन. एच. वाड्या, निदेशक, तंत्रिका विज्ञान जसलोक अस्पताल एवं ग्रन्तुसंधान केन्द्र मुंबई
  2. डा. विजय काक तंत्रिका विज्ञान विभाग न्यातकोत्तर आयु-विज्ञान संस्थान चंडीगढ़
  3. डा. के. के. तवार अविला भारतीय आयु-विज्ञान संस्थान नई दिल्ली 2 उक्त अधिनियम की धारा 6 (1) के तहत प्रत्येक सदस्य का कार्यकाल पांच वर्ष होगा।

[सं. ए. I/विषय/एस सी टी/022/95]  
मनमोहन कुमार सरदारा, संयुक्त मन्त्रिव

MINISTRY OF SCIENCE AND  
TECHNOLOGY

(Department of Science and Technology)

New Delhi, the 26th May, 1997

S.O. 1481.—In exercise of the powers under Section 5(f), (3) and (4) of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Thiruvananthapuram Act, 1980 (Act 52 of 1980),

read with Rule 3 of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Thiruvananthapuram Rules, 1981, the Central Government hereby nominate the following persons as members of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Thiruvananthapuram incorporated under the said Act :

Members nominated under Section 5 (f) :—

1. Dr. V. R. Muthukarauppan Vice Chancellor, Bharathidasan University, Tiruchirappalli—620 024 (TN).
2. Dr. N. Appaji Rao, Indian Institute of Science, Bangalore—560 012.
3. Dr. K. N. Raj, (Retd. Vice Chancellor University of Delhi), National Professor of Economics and Emeritus Fellow, Centre for Development Studies, Thiruvananthapuram.

Members nominated under Section 5 (g) :—

1. Dr. D. D. Bhawalkar, Director, Centre for Advanced Technology, Indore—452 013.
2. Dr. S. Mahajan, Bhabha Atomic Research Centre, Trombay, Mumbai.
3. Dr. S. Ramachandran, Ex-Secretary, DBT, 1, Playground View Street, Nandanam Extension, Chennai—600 035.

Members nominated under Section 5 (i) :—

1. Dr. N. H. Wadia, Director, Neurology, Jaslok Hospital and Research Centre, Mumbai.
  2. Dr. Vijay Kak, Department of Neurology, Postgraduate Institute for Medical Sciences, Chandigarh.
  3. Dr. K. K. Talwar, All India Institute for Medical Sciences, New Delhi.
2. The term of office of each member shall be five years vide Section 6 (1) of the said Act.

[No. AI/Misc./SCT/022/95]  
M. M. K. SARDANA, Jt. Secy.

नई दिल्ली, 26 मई, 1997

का. आ. 1482 :—थी चित्रा तिरुनल ग्राम्यविज्ञान एवं प्रौद्योगिकी संस्थान, तिरुवन्तपुरम अधिनियम, 1980 (1980 के अधिनियम 52), की धारा 7 (1) के तहत, शक्तियों का प्रयोग करते हुए, केन्द्रीय सरकार एतद्वारा डा. एन. एच. वाडिया, निदेशक, तांत्रिक विज्ञान, जसलोक अस्पताल एवं अनुसंधान केन्द्र, मुम्बई को, थी चित्रा तिरुनल ग्राम्यविज्ञान एवं प्रौद्योगिकी संस्थान, तिरुवन्तपुरम के अध्यक्ष के रूप में नामित करती है। इस नियुक्ति की अवधि बरंमान संस्थान निकाय की शर्तों की सहमति के अनुसार होगी।

[सं. ए.I /विविध/एससीटी/022/ 95]

मनमोहन कुमार सरदाना, संयुक्त सचिव

New Delhi, the 26th May, 1997.

S.O. 1482.—In exercise of the powers under Section 7 (1) of the Sree Chitra Tirunal Institute for Medical Sciences and Technology, Thiruvananthapuram Act 1980 of (Act 52 of 1980), the Central Government hereby nominates Dr. N. H. Wadia, Director, Neurology, Jaslok Hospital and Research Centre, Mumbai, as President of the Sree Chitra Tirunal Institute for Medical Sciences and Techno-

logy, Thiruvananthapuram. The tenure of appointment shall be concurrent with the term of the present Institute Body.

[No. AI/Misc./SCT/Q22/95]  
M. M. K. SARDANA, Jt. Secy.

जल भूतल परिवहन मंत्रालय

(नौवहन पक्ष)

नई दिल्ली, 14 मई, 1997

का. आ. 1483 :—दीपघर केन्द्रीय सलाहकार समिति (प्रतिक्रियात्मक) नियमावली, 1976 के नियम 3, 4 और 11 के साथ पठित दीपघर अधिनियम, 1927 (1927 का 17) की धारा 4 की उपधारा 1 के अनुभरण में केन्द्र सरकार एतद्वारा 20 फरवरी, 1997 में 2 वर्ष की अवधि के लिए एक केन्द्रीय दीपघर सलाहकार समिति की नियुक्ति करती है जिसमें निम्नलिखित सदस्य होंगे:—

अध्यक्ष

1. सचिव, जल भूतल परिवहन मंत्रालय	पदेन
सदस्य	
2. भारत सरकार के नौवालन सलाहकार, नौवहन महानिदेशालय, जहाज भवन, बालचंद हीराचंद मार्ग, मुम्बई।	पदेन
3. अति. सचिव एवं वित्त सलाहकार, जल भूतल परिवहन मंत्रालय	पदेन
4. चीफ हाइड्रोग्राफर, भारत सरकार, नेवल हाइड्रोग्राफिक ऑफिस, देहरादून।	पदेन
5. श्री एन. एस. बी. चित्यन, संसद सदस्य (लोक सभा)	
6. प्रोफेसर राम काप्से, विसद सदस्य (राज्य सभा)	
7. कैष्टन बी. अस्थाना, उप महाप्रबंधक, (फलीट मालिक संघ के प्रतिनिधि प्रसेतल) [एस. सी. आर्थ. लिमिटेड, मुम्बई]।	
8. श्री के. के. गुप्ता, संयुक्त महाप्रबंधक (प्रचालन), मैसर्स लार्सन एंड ट्र्यबरो लिमिटेड, (शिपिंग ग्रुप), मुम्बई।	भारतीय राष्ट्रीय जहाज मालिक संघ के प्रतिनिधि
9. निदेशक (मेरीन डिपार्टमेंट) कलकत्ता पोर्ट स्ट, कलकत्ता।	आर्थ. पी. ए. के. प्रतिनिधि

10. कैप्टन ए. जे. काउटी,  
पटवोक,  
मुम्बई।
11. कैप्टन जे. एस. गिल,  
कम्पनी आफ मास्टर मैरीनर्स  
आफ इंडिया, मुम्बई।
12. श्री एस. उबालदराज,  
महासचिव, कोस्टर सेल  
वैसल्स आनन्द एसोसिएशन.  
31, साउथ राजा स्ट्रीट,  
तूतीकोरिन-628010।
13. श्री अमीन एन. सिक्कावाला  
अध्यक्ष,  
फैब्रेशन आफ आल इंडिया  
सेलिंग वैसल्स इंडस्ट्री एसोसिएशन,  
मुम्बई के सामने,  
ज्ञानगढ़ द्वाडश—361001।
14. फैब्रेशन आफ इंडियन चैम्बर  
आफ काम्स इंड इंडस्ट्री  
के प्रतिनिधि।
15. महानिदेशक,  
दीपघर एवं दीपघोन,  
मद्दम सचिव (पद्धेन)

[फा० नं. एल एच-11016/2/96-एम०८]  
आर. के. शर्मा, अवर सचिव

### MINISTRY OF SURFACE TRANSPORT (Shipping Wing)

New Delhi, the 14th May, 1997

S.O. 1483.—In pursuance of sub-section (1) of Section 4 of the Light House Act, 1927 (No. 17 of 1927) read with rules 3, 4 and 11 of the Central Advisory Committee for Light Houses (Procedural) Rules, 1976, the Central Government hereby appoints for a period of two years with effect from 20th February, 1997 a Central Advisory Committee for Light houses, comprising the following persons, namely :—

#### CHAIRMAN

1. Secretary, Ministry of Surface Transport—  
Ex-Officio.

#### MEMBERS

2. Nautical Adviser to the Government of India, Dte. General of Shipping, Mumbai.—  
Ex-Officio.
3. Additional Secretary and Fin. Adviser, Ministry of Surface Transport.—Ex-Officio.
4. Chief Hydrographer to the Government of India, Naval Hydrographic Office, Dehra-dun.—Ex-Officio.
5. Shri. N.S.V. Chitthan, Member of Parliament (Lok Sabha).
6. Prof. Ram Kapse, Member of Parliament (Rajya Sabha).
7. Capt. V. Asthana, Deputy General Manager (Fleet) (Personnel), SCI Ltd., Mumbai.—Representative of Indian National Shipowner's Association.

8. Shri K. K. Gupta, Jr. General Manager (Operation), M/s. Larsen and Toubro Ltd. (Shipping Group), Mumbai.—Representative of Indian National Shipowner's Association.
9. Director (Marine Deptt.), Calcutta Port Trust, Calcutta.—Representative of I.P.A.
10. Capt. A. J. Couto, Patvilk, Mumbai.—Representative of the Associated Chambers of Commerce and Industry.
11. Capt. J. S. Gill, Company of Master Mariners of India, Mumbai.—Representative of Company of Masters of India.
12. Shri S. Ubaldraj, General Secretary, Coastal Sail Vessel Owners Association, 31, South Raja Street, Tuticorin-628 001.—Representative of Sailing Vessels Interests for East Coast.
13. Shri Amin M. Sikkawala, President, Federation of All India Sailing Vessels Industry Association, Sikkawala Mansion, Opp. Gurudwara, Jamnagar House-361 001.—Representative of Sailing Vessels Interests for West Coast.
14. Representative of Federation of Indian Chambers of Commerce and Industry.
15. Director General of Light houses and Light ships, Member Secretary (Ex-Officio).

[F. No. LH-11016/2/96-SL]  
R. K. SHARMA, Under Secy.

स्वास्थ्य और परिवार कल्याण मंत्रालय  
(स्वास्थ्य विभाग)

नई दिल्ली, 14 मई, 1997

का०आ० 1484.—भारतीय आदिक्रम दरिघद अधिनियम, 1956 (1956 का 102) वा० धा० 3 की उपधारा (1) के खंड (ख) के उपवर्धों के अनुसरण में, दा० एस. के. मितल, अध्यक्ष, बाल चिकित्सा विज्ञान विभाग मौलाना आजाद मेडिकल कालेज, नई दिल्ली-110002 को दिल्ली विश्वविद्यालय की सभा द्वारा 27 मार्च, 1997 से भारतीय आयुविज्ञान परिषद् का सदस्य नियुक्त किया गया है।

अतः अब, केन्द्रीय सरकार दक्षत अधिनियम की धारा 3 की उपधारा (1) के अनुसरण में, भारत सरकार के तत्कालीन स्वास्थ्य विभाग की अधिसंचान सं का.आ. 138, तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करनी है अथवा :—

उक्त अधिसूचना में, शीर्षक धारा 3 की उपधारा (1) के खंड (क) के अधीन निर्वाचित के अधीन अम सं 21 और उससे संबंधित प्रविधियों के ग्राहन पर निम्नलिखित क्रम सं. ओर प्रविधियां गवी जागी अथवा :—

21. डा. एम. केंज मितल, दिल्ली विश्वविद्यालय अध्यक्ष,  
बाल चिकित्सा विज्ञान विभाग,  
मौलाना आजाद मेडिकल कालेज,  
नई दिल्ली।

[स. वी.-11013/22/95-एम.ई. (य. जी)]

एम. के. मितल, ईरु अधिकारी

पाद टिप्पण :—मूल अधिसूचना का आ. सं. 138 परों

9 जनवरी, 1960 द्वारा प्रकाशित की गई थी।

**MINISTRY OF HEALTH AND FAMILY  
WELFARE**  
(Department of Health)  
New Delhi, the 14th May, 1997

S.O. 1484.—Whereas in pursuance of provisions of clause (b) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956), Dr. S. K. Mittal, Head, Department of Paediatrics, Maulana Azad Medical College, New Delhi-110002 has been elected by the Court of the University of Delhi to be a member of Medical Council of India from 27th March, 1997;

Now, therefore, in pursuance of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the erstwhile Ministry of Health number S.O. 138, dated the 9th January, 1960, namely :—

In the said notification under the heading “Elected under clause (b) of sub-section (1) of section 3”, for serial number 21 and the entries relating thereto, the following serial number and entries shall be substituted namely:—

“21. Dr. S. K. Mittal,  
Head,  
Dept. of Paediatrics,  
Maulana Azad Medical College,  
New Delhi.

University of Delhi.”  
[No. V. 11013/22/95-ME(UG)]  
S. K. MISHRA, Desk Officer

Note :—The principal notification was published in the Gazette of India vide notification No. S.O. 138, dated the 9th January, 1960.

तर्हि दिल्ली, 14 मई, 1997

का. आ. 1485.—केन्द्रीय सरकार, भारतीय आयुर्विज्ञान परिषद् अधिनियम, 1956 (1956 का 102) की धारा 3 की उपधारा (1) के खंड (क) के अनुसरण में और कनॉटिक सरकार के परामर्श से, डा. एस. आर. मेराली हल्ली, आयुर्विज्ञान आचार्य, जै.जे.एम. मेडिकल कालेज, दावणगीर को 1 अप्रैल, 1997 में भारतीय आयुर्विज्ञान परिषद् का सदस्य नामनिर्दिष्ट किया है।

अब, अब, केन्द्रीय सरकार उक्त अधिनियम की धारा 3 की उपधारा (1) के उपर्योगों के अनुसरण में, भारत सरकार के भूतपूर्व स्वास्थ्य मंत्रालय की अधिसूचना में का. आ. 138, तारीख 9 जनवरी, 1960 में निम्नलिखित और संशोधन करती है, अर्थात् :—

उक्त अधिसूचना में, शीर्षक धारा 3 की उपधारा (1) के खंड (क) के अधीन नामनिर्दिष्ट के अधीन क्रम सं 12 और उसमें संशोधन प्रक्रियों के स्थान पर निम्नलिखित रखा जाएगा, अर्थात् :—

12 डा. एस. आर. मेरालीहल्ली,  
आयुर्विज्ञान आचार्य,  
जै.जे.एम. मेडिकल कालेज,  
दावणगीर,  
कनॉटक।

[सं. बी. 11013/3/97-एम.ई. (यू.जी.)]  
एम. के. मिश्रा, ईम्फ अधिकारी

पार टिप्पण :—मूल अधिसूचना का. आ. सं. 138, तारीख 9 जनवरी, 1960 द्वारा भारत के राजपत्र में प्रकाशित की गई थी।

New Delhi, the 14th May, 1997

S.O. 1485.—Whereas the Central Government of clause (a) of sub-section (1) of section 3 of the Indian Medical Council Act, 1956 (102 of 1956) and in consultation with the Government of Karnataka have nominated Dr. S. R. Maralihalli, Professor of Medicine J.J.M. Medical College, Davanagere, to be a member of Medical Council of India with effect from the 1st April, 1997;

Now, therefore, in pursuance of the provisions of sub-section (1) of section 3 of the said Act, the Central Government hereby makes the following further amendment in the notification of the Government of India in the then Ministry of Health, No. S. O. 138, dated the 9th January, 1960, namely :—

In the said notification, under the heading “Nominated under clause (a) of sub-section (1) of section 3,” for serial number 12 and the entries relating thereto, the following shall be substituted, namely:—

“12. Dr. S. R. Maralihalli,  
Professor of Medicine,  
J.J.M. Medical College,  
Davanagere, Karnataka.”

[No. V. 11013/3/97-ME(UG)]  
S. K. MISHRA, Desk Officer

Footnote :—The principal notification was published in the Gazette of India, vide notification number S.O. 138, dated the 9th January, 1960.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, 2 अप्रैल, 1997

का. आ. 1486.—केन्द्रीय सरकार प्रतिष्ठारा तेल उद्योग (विकास) अधिनियम, 1974 (1974 का 47) की धारा 3 की उपधारा (3) के खंड (३) द्वारा प्रदत्त शक्तियों का उपयोग करते हुए श्री अर्धेन्दु सेना भा. प्र. से. (प. व. 76) को 7-3-1997 से 17-1-1998 तक तेल उद्योग विकास बोर्ड के मंत्रिव के रूप में नियुक्त करती है।

[संख्या जी-35012/3/92-वित्त-II]  
टी. एम. बालासुब्रामण्यन, उप सचिव (वित्त)

**MINISTRY OF PETROLEUM  
AND NATURAL GAS**

New Delhi, the 2nd April, 1997

S.O. 1486.—In exercise of the powers conferred by clause (e) of Sub-section (3) of Section 3 of the Oil Industry (Development) Act, 1974 (47 of 1974), the Central Government hereby appoints Shri Ardhenu Sen, IAS (WB-76) as Secretary, Oil Industry Development Board with effect from 7-3-1997 upto 17-1-1998.

[No. G-35012/3/92-Fin. II]  
T. S. BALASUBRAMANIAN, Dy. Secy.  
(Finance).

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली, तारीख 13 अप्रैल 1997

का.आ. । ५ ४ ७.- केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बाड़ीनार से मध्य प्रदेश राज्य में बीना तक पेट्रोलियम के परिवहन के लिये भारत ओमान रीफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये;

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपबद्ध अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा ३ की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग का अधिकार अर्जित करने का अपना आशय घोषित करती है;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, राजपत्र में, यथा प्रकाशित इस अधिसूचना की प्रतियां साथारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप लिखित रूप में श्री ए.वी.कालरिया, सक्षम प्राधिकारी, भारत ओमान रीफाइनरीज लिमिटेड, सेंट्रल इंडिया रीफाइनरी

परियोजना, बी-५, हीरक सेन्टर, नेहरू पार्क, वस्त्रापुर, अहमदाबाद-३८० ०१५, गुजरात को कर सकेगा;

अनुसूची

तालुका: सायला जिला: सुरेन्द्रनगर राज्य: गुजरात

गांव का नाम (1)	सर्वेक्षण संख्या/ खंड संख्या (2)	क्षेत्र हेक्टर आरे सेन्टीआरे (3) (4) (5)		
		0	03	04
चित्रालांक	38			
	39	0	52	63
	40 सरकारी भूमि	0	33	50
	नाला	0	08	04
	41	0	33	55
	93	0	04	13
	68/पैकी	0	45	60
	68/पैकी			
	74/1	0	16	19
	74/2 सरकारी भूमि	0	02	02
	रोड	0	01	80
	75	0	20	15
ईश्वरीया	53	0	40	47
	40/पैकी	0	30	35
	40/पैकी			
	39	0	04	05
	38/1	0	19	23
	35 सरकारी भूमि	0	07	09
	127/1/1 सरकारी भूमि	3	69	77
	127/1/5 गोचर	0	12	75

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
चोरबीरा (थानगढ़)	536 पैकी जंगल	2	76	80	49/1 पैकी		0	00	50
					49/2 पैकी				
	515 पैकी सरकारी भूमि	5	99	98	50 पैकी		0	66	77
	360	0	59	69	50 पैकी				
	354	0	49	58	42		0	51	59
	353	0	56	71	41		0	54	55
	343/पैकी				40/1 पैकी				
	343 पैकी	0	38	45	40/2		0	14	00
	343/1 पैकी				40/3				
	343/2 पैकी				साथला	1081/2			
	515/1/2 पैकी	0	92	55	1081/1 पैकी		0	12	17
	गोद्वार	0	00	50	1081/1 पैकी				
	331	0	28	33	1063/1		0	25	04
	332/पैकी				1063/2				
	332/पैकी				1062		0	26	40
	रोड	0	05	40	1061/पैकी		0	14	85
	509	0	32	38	1061/पैकी				
	9	0	26	31	1061/पैकी				
	29/1/पैकी	0	59	69	1060		0	14	33
	29/1/पैकी				1059		0	10	00
	30	0	25	20	1058		0	01	03
	31	0	37	43	1052 पैकी				
	35/2	0	50	59	1052 पैकी		0	39	25
	25/1 पैकी				1052 पैकी				
	25/1 पैकी	0	03	70	1052 पैकी				
	25/2				1051		0	27	75
	36	0	53	62	1050		0	21	45
	52	0	26	85		[फा. सं. आर-31015/1/97-ओआर. II]			
	51	0	16	19		के. सी. कटोरा, अवर सचिव			

## Ministry of Petroleum and Natural Gas

## Schedule

New Delhi, the 13th April, 1997

Taluka: Sayala District: Surendranagar State: Gujarat

**S.O. 1487.** Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, pipelines should be laid by the Bharat Oman Refineries Limited;

And whereas, for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;

Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of the notification, as published in the official Gazette, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to Shri A. V. Kalaria, Competent authority, Bharat Oman Refineries Limited, Central India Refinery Project, B-5, Hirak Centre, Nehru Park, Vastrapur, Ahmedabad-380015 Gujarat;

Name of Village (1)	Survey/Block Number (2)	Area		
		Hectare (4)	Acre (5)	Centare (6)
Chitralank	38	0	03	04
	39	0	52	63
	40 Government land	0	33	50
	Drain	0	08	04
	41	0	33	55
	93	0	04	13
	68/Paiki	0	45	60
	68/Paiki	0	16	19
	74/1	0	02	02
	74/2 Government land	0	01	80
	Road	0	20	15
Ishvariya	75	0	40	47
	53	0	30	35
	40/Paiki	0	04	05
	40/Paiki	0	19	23
	39	0	07	09
	38/1	0	69	77
	35 Government land	0	12	75
	127/1/1 Government land	2	76	80
	127/1/5 Cattle filed	5	99	98
Chorvira (Than)	536 Paiki Forest	0	59	69
	360			

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)	
	354	0	49	58		50 Paiki		0	66	77
	353	0	56	71		50 Paiki				
	343/Paiki					42		0	51	59
	343 Paiki		0	38	45	41		0	54	55
	343/1 Paiki					40/1 Paiki				
	343/2 Paiki					40/2		0	14	00
	515/1/2 Paiki Cattle field	0	92	55		40/3				
	331	0	00	50	Sayala	1081/2				
	332/Paiki		0	28	33	1081/1 Paiki		0	12	17
	332/Paiki					1081/1 Paiki				
	Road	0	05	40		1063/1		0	25	04
	509	0	32	38		1063/2				
	9	0	26	31		1062		0	26	40
	29/1/Paiki		0	59	69	1061/Paiki		0	14	85
	29/1/Paiki					1061/Paiki				
	30	0	25	20		1060		0	14	33
	31	0	37	43		1059		0	10	00
	35/2	0	50	59		1058		0	01	03
	25/1 Paiki					1052 Paiki				
	25/1 Paiki		0	03	70	1052 Paiki		0	39	25
	25/2					1052 Paiki				
	36	0	53	62		1052 Paiki				
	52	0	26	85		1051		0	27	75
	51	0	16	19		1050		0	21	45
	49/1 Paiki		0	00	50		[File No. R-31015/1/97-OR.II]			
	49/2 Paiki						K.C. Katoch, Under Secy.			

**पेट्रोलियम और प्राकृतिक गैस मंत्रालय**

(1)	(2)	(3)	(4)	(5)
	560/1	0	28	50
	560/2	0	10	30
	561	0	63	40
	558	0	28	05
	556/पैकी	0	49	72
	रोड	0	05	60
	446/पैकी	0	38	85
	452/पैकी	0	72	20
	454/2	0	71	67
	454/1	0	85	50
	459	0	14	84
	काटट्रैक	0	05	52
	419	0	21	30
	416	0	57	15
	415	0	40	85
	414 गोचर	0	66	20
	रेलवे	0	01	55
	नाला	0	03	00
	रोड	0	02	70
	203	0	49	35
	202 पैकी	1	03	68
	202 पैकी			
	205	0	02	00
	206	0	01	81
	180	0	02	65
	181	0	66	21
	183	0	42	30
	183 पैकी			
	रोड	0	04	50
	17 पैकी			
	17 पैकी	0	38	70
	17 पैकी			
	19 पैकी	0	30	60
	19 पैकी			
	20/1	0	15	60

नई दिल्ली, तारीख 13 अप्रैल 1997

का.आ. 1488 .- केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में बाढ़ीनार से मध्य प्रदेश राज्य में बीना तक पैट्रोलियम के परिवहन के लिये भारत ओमान रीफाइनरीज़ लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये;

और कि ऐसी पाइपलाइन बिछाने के प्रयोजन के लिए इस अधिसूचना से उपायद्वारा अनुसूची में वर्णित भूमि में उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः, अब, केन्द्रीय सरकार, पेट्रोलियम और खनिज पाइपलाइन (भूमि में उपयोग के अधिकार का अर्जन) अधिनियम, 1962 (1962 का 50) की धारा 3 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए उनमें उपयोग का अधिकार अर्जित करने का अपना आशय घोषित करती है;

उक्त अनुसूची में वर्णित भूमि में हिस्बद्ध कोई व्यक्ति, राजपत्र में, यथा प्रकाशित इस अधिसूचना की प्रतियां साधारण जनता को उपलब्ध करा दिए जाने की तारीख से इक्कीस दिन के भीतर, उनमें उपयोग के अधिकार का अर्जन या भूमि में पाइपलाइन बिछाने के संबंध में आक्षेप लिखित रूप में श्री ए.वी.कालरिया, सक्षम प्राधिकारी, भारत ओमान रीफाइनरीज़ लिमिटेड, सेंट्रल इंडियन रीफाइनरी परियोजना, बी-5, हीरक सेन्टर, नेहरू पार्क, वस्त्रापुर, अहमदाबाद-380 015, गुजरात को कर सकेगा ;

**अनुसूची**

तालुकः वडवाण जिला: सुरेन्द्रनगर राज्य: गुजरात

गांव का	सर्वेक्षण संख्या/	क्षेत्र		
नाम	खंड संख्या	हैक्टर	आरे	सेन्टीआरे
(1)	(2)	(3)	(4)	(5)
रामपरा	363	0	60	00
	562/पैकी	0	44	85

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
21		0	71	22	1239		0	00	26
22		0	01	98	1241 पैकी		0	68	74
1306/2 पैकी		0	14	78	काटट्रैक		0	08	74
रोड		0	05	78	1179		0	08	60
1306/1		0	14	75	टुवा	120	0	50	40
1305 पैकी		0	24	12	119		0	36	75
1307		1	00	43	117		0	53	25
1303 पैकी		0	02	10	109		0	22	05
1303 पैकी		0	00	10	नाला		0	01	50
नाला		0	08	33	110		0	22	20
1309		0	02	34	111		0	22	80
1308		0	38	85	113 पैकी	}	0	72	15
1302	}				113 पैकी	}			
1302 पैकी	}				393 पैकी सरकारी		0	18	60
1302 पैकी	}	0	43	05	रोड		0	05	10
1302 पैकी	}				108 पैकी		0	00	21
काटट्रैक		0	06	60	97 पैकी	}	2	00	19
1220 पैकी	}				97 पैकी	}			
1220 पैकी	}	0	01	16	94		0	01	85
1220 पैकी					93		0	22	32
1221 पैकी	}	0	97	86	92		0	13	63
1221 पैकी					काटट्रैक		0	02	10
1222		0	36	90	47		0	99	04
1223 पैकी	}				48/1		0	34	65
1223 पैकी	}	0	82	95	34 पैकी	}	0	23	70
1223 पैकी					34 पैकी	}			
1230 पैकी		0	00	55	35		0	12	75
1233		0	74	70	33		0	11	76
1245/पैकी		0	33	90	36		0	15	40
नाला		0	03	60	32		0	08	08
1244/पैकी		0	28	65	काटट्रैक		0	01	92
1237/1		0	44	04	28/2 कुआ		0	01	95
1237/2		0	00	21	28/1		0	29	44
1238/1		0	21	28	29 पैकी	}	0	03	06
1240/1 गोचर		0	24	35	29 पैकी	}			

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
27		0	37	80		489 पैकी	0	39	87
15 पैकी	}	0	33	60		489 पैकी			
15 पैकी	]					513	0	41	41
काटट्रैक		0	01	80		511	0	05	17
16 पैकी	]					512 सरकारी	0	12	98
16 पैकी	]	0	69	90		497	0	82	20
16 पैकी	]					450	0	80	03
16 पैकी	]					रोज़	0	08	70
काटट्रैक		0	01	80		445	0	40	50
17		0	11	25		444	0	19	35
काटट्रैक		0	02	45		443	0	21	30
349		0	05	52		442	0	21	30
348		0	13	14		441 पैकी	0	18	90
347		0	23	55		441 पैकी	0		
343		0	14	40		440	0	36	47
342/पैकी	]					439	0	17	70
342/पैकी	]	0	89	25		438	0	11	70
342/पैकी	]					437	0	28	50
बडोद	471/1	0	19	08		436	0	10	32
	471/2	0	00	38		435	0	57	21
	478	0	07	79		433 गोचर	0	89	55
	477	0	10	58		434	1	07	00
	476	0	23	40	बलदाना	484 सरकारी	2	03	70
	472	0	00	10		482/1	0	03	60
	475	0	10	22		482/2	0	25	16
	480	0	14	10		481/2	0	30	90
	481	0	08	70		481/1	0	33	30
	484	0	15	10		480/1	0	24	17
	485	0	29	70		काटट्रैक	0	22	48
	486	0	29	70		480/2	0	03	87
	488 पैकी	0	63	80		493/3	0	24	78
	488 पैकी	0	02	25		493/4 सरकारी	0	75	15
	518 पैकी	0	02	25		350	0	06	40
	518 पैकी	0	02	25		477	0	32	40

(1)	(2)	(3)	(4)	(5)	(1)	(2)	(3)	(4)	(5)
476		0	10	72	791/1 पैकी	}			
475/1	]	0	28	72	791/1 पैकी	]	0	55	35
475/2	]	.			791/2 पैकी	]			
472/1		0	31	05	792/1	]	0	48	30
473		0	27	60	792/3	]			
469		1	05	60	836/1		0	16	50
काटट्रिक		0	05	44	836/2		0	17	40
653/3		0	08	50	836/3		0	15	30
666		0	35	34	837 पैकी	]	0	36	30
665/1		0	30	75	837 पैकी	]			
665/2 पैकी	]	0	27	00	832		0	48	00
665/2 पैकी	]				831/2		0	42	75
664		0	41	25	867/1	]	0	15	60
662		0	46	20	867/2	]			
674		0	30	45	870/1	]	0	42	75
675		0	31	95	870/2	]			
काटट्रिक		0	11	10	871 पैकी	]	0	45	00
709/1	]	0	34	80	871 पैकी	]			
709/2	]				827		0	24	75
708 पैकी	]	0	37	20	825		0	29	85
708 पैकी	]				824/1	]	0	24	60
704/1	]	0	01	41	824/2	]			
704/2	]				823/1	]	0	26	55
703		0	40	59	823/2	]			
रोड		0	06	00	822		0	31	35
752		0	01	17	गोमटा	248/2			
754 पैकी		0	56	13	247		0	23	25
753		0	02	50	248/1		0	23	55
750/2 पैकी		0	69	80	242 पैकी	]	0	33	30
748/2		0	47	00	242 पैकी	]			
749		0	02	50	241		0	48	30
747		0	50	85	243 पैकी	]			
काटट्रिक		0	01	65	243 पैकी	]	0	00	25

[फा. सं. आर-31015/2/97-ओआर. II]

के. सी. कटोष, अध्यर सचिव

## Ministry of Petroleum and Natural Gas

	(1)	(2)	(4)	(5)	(6)
		562/Paiki	0	44	85
		560/1	0	28	50
New Delhi, the 13th April, 1997		560/2	0	10	30
		561	0	63	40
		558	0	28	05
S.O. 1488.- Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of petroleum from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, pipelines should be laid by the Bharat Oman Refineries Limited;		556/Paiki	0	49	72
And whereas, for the purpose of laying such pipelines, it is necessary to acquire the right of user in the lands described in the Schedule annexed to this notification;		Road	0	05	60
Now, therefore, in exercise of the powers conferred by sub-section (1) of section 3 of the Petroleum and Minerals Pipelines (Acquisition of Right of User in Land) Act, 1962 (50 of 1962), the Central Government hereby declares its intention to acquire the right of user therein;		446/Paiki	0	38	85
Any person interested in the lands described in the said Schedule may within twenty-one days from the date on which the copies of the notification, as published in the official Gazette, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipelines under the land to Shri A. V. Kalaria, Competent authority, Bharat Oman Refineries Limited, Central India Refinery Project, B-5, Hirak Centre, Nehru Park, Vastrapur, Ahmedabad-380015 Gujarat;		452/Paiki	0	72	20
		454/2	0	71	67
		454/1	0	85	50
		459	0	14	84
		Cart track	0	05	52
		419	0	21	30
		416	0	57	15
		415	0	40	85
		414 Cattle field	0	66	20
		Railway	0	01	55
		Drain	0	03	00
		Road	0	02	70
		203	0	49	35
		202 Paiki	}	03	68
		202 Paiki	}		
		205	0	02	00
		206	0	01	81
		180	0	02	65
		181	0	66	21
		183	}	42	30
		183 Paiki	}		
		Road	0	04	50
		17 Paiki	}		
		17 Paiki	}	38	70
		17 Paiki	}		
		19 Paiki	}	30	60
		19 Paiki	}		
		20/1	0	15	60

## Schedule

Taluka: Wadhwan District: Surendranagar State: Gujarat

Name of Village	Survey/Block Number	Area		
		Hectare	Arc	Centare
(1)	(2)	(4)	(5)	(6)
Rampara	563	0	60	00

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
21		0	71	22		1239	0	00	26
22		0	01	98		1241 Paiki	0	68	74
1306/2 Paiki		0	14	78		Cart track	0	08	74
Road		0	05	78		1179	0	08	60
1306/1		0	14	75	Tuwa	120	0	50	40
1305 Paiki		0	24	12		119	0	36	75
1307		1	00	43		117	0	53	25
1303 Paiki		0	02	10		109	0	22	05
1303 Paiki		0	00	10		Drain	0	01	50
Drain		0	08	33		110	0	22	20
1309		0	02	34		111	0	22	80
1308		0	38	85		113 Paiki	0	72	15
1302	}					113 Paiki	0		
1302 Paiki	}					393 Paiki Government land Road	0	18	60
1302 Paiki	}	0	43	05			0	05	10
1302 Paiki	}					108 Paiki	0	00	21
Cart track		0	06	60		97 Paiki	0	00	19
1220 Paiki	}					97 Paiki	0		
1220 Paiki	}	0	01	16		94	0	01	85
1220 Paiki	}					93	0	22	32
1221 Paiki	}	0	97	86		92	0	13	63
1221 Paiki	}					Cart track	0	02	10
1222		0	36	90		47	0	99	04
1223 Paiki	}					48/1	0	34	65
1223 Paiki	}	0	82	95		34 Paiki	0	23	70
1223 Paiki	}					34 Paiki	0		
1230 Paiki		0	00	55		35	0	12	75
1233		0	74	70		33	0	11	76
1245/Paiki		0	33	90		36	0	15	40
Nalla		0	03	60		32	0	08	08
1244/Paiki		0	28	65		Cart track	0	01	92
1237/1		0	44	04		28/2 Well	0	01	95
1237/2		0	00	21		28/1	0	29	44
1238/1		0	21	28		29 Paiki	0	03	06
1240/1 Cattle field		0	24	35		29 Paiki	0		

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)	
27		0	37	80	489 Paiki		0	39	87	
15 Paiki	}	0	33	60	489 Paiki					
15 Paiki	]				513		0	41	41	
Cart track		0	01	80	511		0	05	17	
16 Paiki	]				512 Government land		0	12	98	
16 Paiki	]	0	69	90	497		0	82	20	
16 Paiki	]				450		0	80	03	
16 Paiki	]				Road		0	08	70	
Cart track		0	01	80	445		0	40	50	
17		0	11	25	444		0	19	35	
Cart track		0	02	45	443		0	21	30	
349		0	05	52	442		0	21	30	
348		0	13	14	441 Paiki		0	18	90	
347		0	23	55	441 Paiki					
343		0	14	40	440		0	36	47	
342/Paiki	]				439		0	17	70	
342/Paiki	]	0	89	25	438		0	11	70	
342/Paiki	]				437		0	28	50	
Vadod	471/1	0	19	08	436		0	10	32	
	471/2	0	00	38	435		0	57	21	
	478	0	07	79	433 Cattle field		0	89	55	
	477	0	10	58	Baldana	484 Government land	2	03	70	
	476	0	23	40	482/1		0	03	60	
	472	0	00	10	482/2					
	475	0	10	22	481/2		0	25	16	
	480	0	14	10	481/1		0	30	90	
	481	0	08	70	480/1		0	33	30	
	484	0	15	10	Cart track		0	24	17	
	485	0	29	70	480/2		0	22	48	
	486	0	29	70	493/3		0	03	87	
	488 Paiki	]	0	63	80	493/4 Government land		0	24	78
	488 Paiki	]			478		0	75	15	
	518 Paiki	]	0	02	25	350		0	06	40
	518 Paiki	]			477		0	32	40	

(1)	(2)	(4)	(5)	(6)	(1)	(2)	(4)	(5)	(6)
476		0	10	72		791/1 Paiki			
475/1	}	0	28	72		791/1 Paiki	}	0	55 35
475/2	]					791/2 Paiki	]		
472/1		0	31	05		792/1	]	0	48 30
473		0	27	60		792/3	]		
469		1	05	60		836/1		0	16 50
Cart track		0	05	44		836/2		0	17 40
653/3		0	08	50		836/3		0	15 30
666		0	35	34		837 Paiki	]	0	36 30
665/1		0	30	75		837 Paiki	]		
665/2 Paiki	}	0	27	00		832		0	48 00
665/2 Paiki	]					831/2		0	42 75
664		0	41	25		867/1	]	0	15 60
662		0	46	20		867/2	]		
674		0	30	45		870/1	]	0	42 75
675		0	31	95		870/2	]		
Cart track		0	11	10		871 Paiki	]	0	45 00
709/1	}	0	34	80		871 Paiki	]		
709/2	]					827		0	24 75
708 Paiki	]	0	37	20		825		0	29 85
708 Paiki	]					824/1	]	0	24 60
704/1	]	0	01	41		824/2	]		
704/2	]					823/1	]	0	26 55
703		0	40	59	Gomta	823/2	]		
Road		0	06	00		822		0	31 35
752		0	01	17				0	23 25
754 Paiki		0	56	13		248/2			
753		0	02	50		247		0	23 55
750/2 Paiki		0	69	80		248/1		0	33 30
748/2		0	47	00		242 Paiki	]	0	48 30
749		0	02	50		242 Paiki	]		
747		0	50	85		241		0	00 25
Cart track		0	01	65		243 Paiki	]		
						243 Paiki	]	0	26 25
						243 Paiki	]		

[File No. R-31015/2/97-OR.II]

K.C. Katoch, Under Secy.

पेट्रोलियम और प्राकृतिक गैस मंत्रालय

नई दिल्ली , 30 मई 1997

मध्य भारत परिकरणी परियोजना, भारत ओमन रिफाइनरीज लिमिटेड, ए-1/3, "प्रशांति", वेदनगर, सॉवेर रोड , उज्जैन , मध्य प्रदेश को कर सकता है।

### अधिसूचना

का.आ. 1489 - केन्द्रीय सरकार को यह प्रतीत होता है कि लोकहित में यह आवश्यक है कि गुजरात राज्य में वाढ़ीनार से मध्य प्रदेश राज्य में बीना तक कच्चे तेल के परिवहन के लिए भारत ओमन रिफाइनरीज लिमिटेड द्वारा पाइपलाइन बिछाई जानी चाहिये।

और केन्द्रीय सरकार को यह भी प्रतीत होता है कि उक्त पाइपलाइन बिछाई जानेके प्रयोजन के लिए भूमि मे, जीसके नीचे प्रस्तावित उक्त पाइपलाइन बिछाई जानी है और जो इस अधिसूचना के साथ उपाबध अनुसूची मे वर्णित है, उपयोग का अधिकार अर्जित करना आवश्यक है;

अतः अब केन्द्रीय सरकार पेट्रोलियम और खनिज पाइपलाइन ( भूमि में उपयोग के अधिकार का अर्जन ) अधिनियम, 1962 (1962 का 50) की धारा 3 उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए , उसमें उपयोगके अधिकार का अर्जन करने के अपने आशय की घोषणा करती है ;

उक्त अनुसूची में वर्णित भूमि में हितबद्ध कोई व्यक्ति, उस तारीख से, जीसको भारत के राजपत्र में यथा प्रकाशित इस अधिसूचना की प्रतियाँ साधारण जनता को उपलब्ध करा दी जाती है, एकीस दिन के भीतर, भूमि के नीचे पाईप लाईन बिछाने के संबंध में या उनमें उपयोग के अधिकार का अर्जन करने संबंधी लिखित मे आक्षेप, सक्षम प्राधिकारी, श्री के. एन. दुवे,

### अनुसूची

तहसील : बदनावर . जिला : धार . राज्य : मध्य प्रदेश

ग्राम का नाम	सर्वे क्रमांक	सेत्रफल हेक्टर / आरे
1	2	3
दोन्या	262 P	0.386
	263	0.229
	264	0.013
	612	0.020
	613	0.348
	614	0.437
	630	0.026
	631	0.098
	632	0.131
	640/1	0.003
	640/2	0.002
	642/1	1 P 0.243
	642/2	
	645	0.222

1	2	3	1	2	3
	713	0.182		831	0.033
	770	0.228		832*	0.142
	771	0.393		833	0.006
	772	0.251		835	0.040
	781	0.092		836	0.055
	782	0.255		864	0.335
	783	0.011		866	0.182
	784	0.032		868	0.176
	785	0.095		869	0.026
	787	0.243		878	0.245
	799	0.063		880	0.202
	800	0.245		881	0.191
	808	0.231		882	0.193
	809	0.070		893	0.379
	811	0.425		971	0.272
	813	0.053		972	0.457
	814	0.022		979	0.042
	819	0.208		1278	0.399
	824	0.252		1281	0.238
	828	0.139		1282	0.009
	829	0.022		1300	0.069
	830	0.005			

1	2	3	1	2	3
	1302	0.046		1334	0.144
	1305	0.003		1338	0.200
	1306	0.059		1339	0.144
	1307	0.147		1340	0.094
	1308	0.046		1342	0.038
	1309	0.005		1343	0.177
	1311	0.188		1345	0.171
	1312	0.010		1620/1/2	0.281
	1319P	0.001		1633	0.062
	1320	0.032		1635/2	0.188
	1321	0.037	बस्तपरा	3	0.021
	1322	0.018		4	0.078
	1323	0.231		5	0.015
	1324	0.341		16	0.161
	1325	0.014		17/1	} P 0.002
				17/2	
	1326	0.027		18/1	} P 0.028
	1327/2	0.012		18/2	
	1328	0.045		321	0.062
	1329	0.153		323/2	} P 0.058
				323/3	
	1330	0.054		324	0.116
	1333	0.056			

1	2	3	1	2	3
	325/1	0.164	सन्दला	30	0.057
	325/2			31/1	0.015
टीटीपाड़ा	4P	0.398		31/2	
	5	0.139		32/1	0.001
	6	0.280		32/2	
	7	0.390		33	0.039
	10	0.082		34/1	0.058
	11	0.043		34/2	
	13	0.036		35	0.042
	14/1	0.193		39	0.310
	14/2	0.336		49	0.005
	15			51	0.209
	17/1	0.300		52	0.176
	18			53	0.001
	20	0.102		58	0.165
	23	0.101		59	0.048
	24	0.221		60	0.089
	25	0.092		63	0.086
	26	0.010		66	0.035
	28/1	0.055		67P	0.514
	31P	0.284		600	0.073
	33	0.003		601P	0.140
	161	0.028		602P	0.145

1	2	3	1	2	3
	603	0.238		746/1 746/2	P 0.028
	604	0.183		749	0.065
	605	0.053		750/1	P 0.099
	608P	0.684		750/2	)
	661/2712	0.193		754/1	P 0.338
	661/2713	0.378		754/2	)
	662	0.035		769	0.482
	667	0.033		780	0.298
	668	0.106		781	0.039
	669	0.252		793	0.208
	671/2713	0.044		961	0.174
	672	0.001		963	0.121
	673	0.068		964	0.080
	674	0.109		965	0.014
	675	0.080		973/1 973/2	P 0.194
	676	0.280		974	0.039
	709P	0.200		977	0.001
	710	0.143		979	0.208
	711	0.19		980	0.218
	728	0.26		985	0.065
	730	0.234		986	0.019

1	2	3	1	2	3
	987	0.058		1105	0.013
	992	0.059		1106	0.040
994/1	}	P 0.265	1108/1	}	
994/2	]		1108/2	]	P 0.243
			1108/3	]	
1040		0.007		1111	0.032
1036	}	P 0.292		1112	0.040
1041/2	]				
1046		0.170	1113		0.191
1047		0.009	1114		0.085
1056/1	}	P 0.019	1115		0.130
1056/2	]				
1058P		0.018	1183/1	}	P 0.145
			1183/2	]	
1059		0.382	1184		0.167
1060		0.006	1185		0.044
1061/1	}	P 0.117	1192		0.189
1061/2	]				
1062		0.225	1193/1	}	P 0.025
1063/1	}	P 0.362	1193/2	]	
1063/2	]				
1148		0.449	1194/1	}	P 0.137
1149		0.078	1194/2	]	
1150		0.174	1198		0.068
सिंहगढ़	1086/1	}	P 0.236	1205	0.214
	1086/2	]		1206	0.134
				1207/2	0.070
				3015	0.032

1	2	3	1	2	3
	3016/1			3166	0.128
	3016/2	}	P 0.168		
	3016/3	]		3167	0.108
	3020/1	]	P 0.173	3168	0.175
	3020/2	]		3169/1	}
	3035		0.191	3169/2	]
	3036		0.165	3180	0.180
	3037/1/1	]		3182	0.002
	3037/1/2	}	P 0.548		
	3037/2	]		3188	0.124
	3038		0.073	3189/1	]
	3039		0.182	3189/2	}
	3072		0.060	3189/3	]
	3131		0.071	3198	0.128
	3132		0.127	मुलधान	260/1
	3133		0.201		260/2
	3150		0.292		260/3
	3152		0.241		260/4
	3160		0.001		260/5
	3162		0.081		260/6
	3163		0.001		260/7
	3164		0.171		260/8
	3165/1	]		281	0.384
	3165/2	}	P 0.026	283/1	]
	3165/3	]		283/2	
				283/3/1	
				283/3/2	]
				283/4	
				283/5	
				283/6	]

1	2	3	1	2	3
	284	0.795		897	0.003
	288P	0.028		898	0.117
289/1	}			899	0.174
289/2					
289/3				902	0.010
289/4/1					
289/4/2	P	0.261		903	0.260
289/4/3					
289/5				904	0.002
289/6				1018	0.173
295		0.107		1025/2	}
296P		0.339		1025/3	
				1032	0.215
298		0.064		1033/1	P
299		0.120		1033/2	
300		0.013		1035/1	P
				1035/2	
302		0.022		1059P	0.712
318P		0.262		1060	0.071
559/1		0.124		1278/1	0.031
559/2		0.623		1287/2	0.917
560/1	P	0.106		1287/4	0.108
560/2					
562		0.281		2343	0.070
569P		0.185		2344	0.033
894/1				2345	0.132
894/2	P	0.053			
894/3				2346	0.345

1	2	3	1	2	3
	2347	0.006		2483/1 2483/2	P 0.184
	2352	0.128		2490	0.014
2353/1	P	0.160		2591	0.059
2353/2					
	2457	0.032		2593	0.067
	2459	0.009		2594	0.164
	2460	0.179		2595	0.065
	2461	0.133		2596/1/1 2596/1/2	P 0.736
	2462	0.102		2598	0.237
	2463	0.053		2599	0.036
	2465	0.036		2609	0.348
	2466	0.068		2610	0.041
	2467	0.132		2611	0.052
	2468	0.066		2612	0.120
	2471	0.255		2614	0.549
	2472	0.109		2616	0.035
	2473	0.043		2618	0.300
	2474	0.002		2619	0.474
	2475	0.036		2621	0.086
	2476	0.050		2	0.140
	2477	0.074	घमाना	3/1	P 0.351
	2479	0.052		3/2	

1	2	3	1	2	3
	4	0.230		669	0.710
	14/1	]	P	0.434	672
	14/2	]			0.017
	42			673	0.010
	43		0.120	674/1	]
				674/2	P
					0.577
कालीपर्वता	468		0.304	675	0.516
	469		0.060	679	0.289
	470		0.139	680	0.035
	475		0.310	681/1	0.116
	476		0.140	681/2	0.199
	478		0.245	682	1.748
	553/1	]	P	689/1	0.003
	553/2	]		689/2	0.361
	554		0.197	922	0.311
	586		0.037	923	0.165
	587		0.177	924	0.446
	591/1	]	P	929	0.237
	591/2	]			0.007
	592/1	]	P	930/1	
	592/2	]		930/2	0.350
				930/3	]
	655/1	]	P	933	0.405
	655/2	]			0.410
	668/1	]	P	985/1/1	
	668/2	]		985/1/2	0.047
				985/2/1	]
				985/2/2	P
					0.345

1	2	3	1	2	3
	991/1	P 0.133		29/1	
	991/2	}		29/2	}
				29/3	J P 0.106
	992	0.188		30	0.427
	993	0.109		31	0.126
	994	0.005		33/1	J P 0.175
	995	0.311		33/2	J
	996	0.216		34	0.086
	1004	0.200		39	0.247
	1006	0.125		42	0.145
	1007	0.230		43/1	J P 0.132
				43/2	J
	1011	0.292		44	0.074
	1012	0.189		45	0.275
	1013P	0.416		55	0.269
	1016	0.366		64/1	J P 0.063
	1019	0.013		64/2	J
	1021/1	J P 0.410		83	0.297
	1021/2	J		86	0.002
कारोवा	19/1	J P			
	19/2	J			
		0.232			
	23	0.116	( फा. सं. आर - 31015 / 14 / 97 ओआर . II)		
	24	0.137			
	25	0.301	के. सी. कटोच, अधर सचीव		
	26	0.014			

**'PRASHANTI' , Vednagar, Sanwer Road,  
Ujjain, Madhya Pradesh.**

**Ministry of Petroleum and Natural Gas**

New Delhi , the 30th May 1997

**SCHEDULE**

**NOTIFICATION**

**S.O. 1489 - Whereas it appears to the Central Government that it is necessary in the public interest that for the transport of Crude Oil from Vadinar in the State of Gujarat to Bina in the State of Madhya Pradesh, a pipeline should be laid by the Bharat Oman Refineries Limited.**

**And whereas it appears to the Central Government that for the purpose of laying the said pipeline, it is necessary to acquire the right of user in the land under which the said pipeline is proposed to be laid, and which is described in the SCHEDULE annexed to this notification;**

**Now, therefore, in exercise of the powers conferred by sub-section (1) of Section 3 of the Petroleum and Minerals Pipeline ( Acquisition of Right of User in Land ) Act, 1962 ( 50 of 1962 ), the Central Government hereby declares its intention to acquire the right of user therein;**

**Any person interested in the land described in the said SCHEDULE may within twenty-one days from the date on which the copies of this notification, as published in the Gazette of India, are made available to the general public, object in writing to the acquisition of the right of user therein or laying of the pipeline under the land to Shri K. N. Dubey, The Competent Authority of Central India Refinery Project of Bharat Oman Refineries Limited, A-1/3,**

**Tehsil : Badnavar District : Dhar State: Madhya Pradesh**

Name of village	Survey No.	Area	
		Hectare/are	
1	2	3	
Dotrya	262P	0.386	
	263	0.229	
	264	0.013	
	612	0.020	
	613	0.348	
	614	0.437	
	630	0.026	
	631	0.098	
	632	0.131	
	640/1	0.003	
	640/2	0.002	
	642/1	} P 0.243	
	642/2		
	645	0.222	
	713	0.182	

1	2	3	1	2	3
	770	0.228		831	0.033
	771	0.393		832	0.142
	772	0.251		833	0.006
	781	0.092		835	0.040
	782	0.255		836	0.055
	783	0.011		864	0.335
	784	0.032		866	0.182
	785	0.095		868	0.176
	787	0.243		869	0.026
	799	0.063		878	0.245
	800	0.245		880	0.202
	808	0.231		881	0.191
	809	0.070		882	0.193
	811	0.425		893	0.379
	813	0.053		971	0.272
	814	0.022		972	0.457
	819	0.208		979	0.042
	824	0.252		1278	0.399
	828	0.139		1281	0.238
	829	0.022		1282	0.009
	830	0.005		1300	0.069

1	2	3	1	2	3
	1302	0.046		1334	0.144
	1305	0.003		1338	0.200
	1306	0.059		1339	0.144
	1307	0.147		1340	0.094
	1308	0.046		1342	0.038
	1309	0.005		1343	0.177
	1311	0.188		1345	0.171
	1312	0.010		1620/1/2	0.281
				1633	0.062
	1319P	0.001		1635/2	0.188
			Bakhatpura		
	1320	0.032		3	0.021
	1321	0.037		4	0.078
	1322	0.018		5	0.015
	1323	0.231		16	0.161
	1324	0.341		17/1	}
				17/2	}
	1325	0.014		18/1	}
	1326	0.027		18/2	}
	1327/2	0.012		321	0.062
	1328	0.045		323/2	}
				323/3	}
	1329	0.153		324	0.116
	1330	0.054		325/1	}
	1333	0.056		325/2	}

1 Titipada	2 4P	3 0.398	1	2 31/1 31/2	3 P 0.015
5		0.139		32/1	P 0.001
6		0.280		32/2	)
7		0.390		33	0.039
10		0.082		34/1	P 0.058
11		0.043		34/2	)
13		0.036		35	0.042
14/1		0.193		39	0.310
14/2	)	0.336		49	0.005
15	)			51	0.209
17/1	)	0.300		52	0.176
18	)			53	0.001
20		0.102		58	0.165
23		0.101		59	0.048
24		0.221		60	0.089
25		0.092		63	0.086
26		0.010		66	0.035
28/1		0.055		67P	0.514
31P		0.284		600	0.073
33		0.003		601P	0.140
161		0.028		602P	0.145
Sandla				603	0.238
30		0.057			

1	2	3	1	2	3
	604	0.183		749	0.065
	605	0.053		750/1	P 0.099
				750/2	J
	608P	0.684		754/1	P 0.338
	661/2712	0.193		754/2	J
	661/2713	0.378		769	0.482
	662	0.035		780	0.298
	667	0.033		781	0.039
	668	0.106		793	0.208
	669	0.252		961	0.174
	671/2713	0.044		963	0.121
	672	0.001		964	0.080
	673	0.068		965	0.014
	674	0.109		973/1	P 0.194
				973/2	J
	675	0.080		974	0.039
	676	0.280		977	0.001
	709P	0.200		979	0.208
	710	0.143		980	0.218
	711	0.191		985	0.065
	728	0.299		986	0.019
	730	0.234		987	0.058
	746/1	P 0.028		992	0.059
	746/2	J			

1	2	3	1	2	3
	994/1 } P	0.265		1108/1 }	
	994/2 }			1108/2 }	P 0.243
				1108/3 }	
	1040	0.007		1111	0.032
	1036 } P	0.292		1112	0.040
	1041/2 }				
	1046	0.170		1113	0.191
	1047	0.009		1114	0.085
	1056/1 } P	0.019		1115	0.130
	1056/2 }			1183/1 } P	0.145
	1058P	0.018		1183/2 }	
	1059	0.382		1184	0.167
	1060	0.006		1185	0.044
	1061/1 } P	0.111		1192	0.189
	1061/2 }			1193/1 } P	0.025
	1062	0.229		1193/2 }	
	1063/1 } P	0.362		1194/1 } P	0.137
	1063/2 }			1194/2 }	
	1148	0.449		1198	0.068
	1149	0.078		1205	0.214
	1150	0.174		1206	0.134
Tilgara	1086/1 } P	0.236		1207/2	0.070
	1086/2 }				
				3015	0.032
	1105	0.013		3016/1 }	
	1106	0.040		3016/2 }	P 0.168
				3016/3 }	

1	2	3	1	2	3
	3020/1 } P	0.173		3168	0.175
	3020/2 }			3169/1 }	P 0.138
	3035	0.191		3169/2 }	
	3036	0.165		3180	0.180
	3037/1/1 }			3182	0.002
	3037/1/2 } P	0.548		3188	0.124
	3037/2 }			3189/1 }	
	3038	0.073		3189/2 }	P 0.579
	3039	0.182		3189/3 }	
	3072	0.060		3190	0.035
	3131	0.071		3198	0.128
			Multhan		
	3132	0.127		260/1	
				260/2	
	3133	0.201		260/3	
				260/4	P 0.577
	3150	0.292		260/5	
				260/6	
	3152	0.241		260/7	
				260/8	
	3160	0.001		281	0.384
	3162	0.081		283/1	
	3163	0.001		283/2	
				283/3/1	
	3164	0.171		283/3/2	P 0.604
				283/4	
	3165/1 }			283/5	
	3165/2 } P	0.026		283/6 }	
	3165/3 }			284	0.795
	3166	0.128		288P	0.028
	3167	0.108			

1	2	3	1	2	3
	289/1			899	0.174
	289/2				
	289/3			902	0.010
	289/4/1				
	289/4/2	P 0.261		903	0.260
	289/4/3				
	289/5			904	0.002
	289/6				
				1018	0.173
	295	0.107			
	296P	0.339		1025/2	
				1025/3	
	298	0.064		1032	0.215
	299	0.120		1033/1	
				1033/2	
	300	0.013		1035/1	
	302	0.022		1035/2	
	318P	0.262		1059P	0.712
	559/1	0.124		1060	0.071
	559/2	0.623		1278/1	0.031
	560/1	P 0.106		1287/2	0.917
	560/2			1287/4	0.108
	562	0.281		2343	0.070
	569P	0.185		2344	0.033
	894/1				
	894/2	P 0.053		2345	0.132
	894/3			2346	0.345
	897	0.003		2347	0.006
	898	0.117		2352	0.128

1	2	3	1	2	3
	2353/1 } P	0.160		2490	0.014
	2353/2 }			2591	0.059
	2457	0.032		2593	0.067
	2459	0.009		2594	0.164
	2460	0.179		2595	0.065
	2461	0.133		2596/1/1 }	P 0.736
	2462	0.102		2596/1/2 }	
	2463	0.053		2598	0.237
	2465	0.036		2599	0.036
	2466	0.068		2609	0.348
	2467	0.132		2610	0.041
	2468	0.066		2611	0.052
	2471	0.255		2612	0.120
	2472	0.109		2614	0.549
	2473	0.043		2616	0.035
	2474	0.002		2618	0.300
	2475	0.036		2619	0.474
	2476	0.050		2621	0.086
	2477	0.074	Dhamana	2	0.140
	2479	0.052		3/1 }	P 0.351
	2483/1 }	P 0.184		3/2 }	
	2483/2 }			4	0.230

1	2	3	1	2	3
	14/1	P 0.434		672	0.017
	14/2	}		673	0.010
	42	0.120		674/1	]
	43	0.304		674/2	]
<b>Khacchi- Baroda</b>	<b>468</b>	<b>0.060</b>		<b>675</b>	<b>0.516</b>
	469	0.289		679	0.139
	470	0.035		680	0.310
	475	0.116		681/1	0.140
	476	0.199		681/2	0.245
	478	1.748		682	0.003
	553/1	]	P 0.361	689/1	]
	553/2	]		689/2	]
	554	0.311		922	0.037
	586	0.165		923	0.177
	587	0.446		924	0.237
	591/1	]	P 0.007	929	0.405
	591/2	]		930/1	]
	592/1	]	P 0.350	930/2	]
	592/2	]		930/3	]
	655/1	]	P 0.410	933	0.276
	655/2	]		985/1/1	]
	668/1	]	P 0.047	985/1/2	]
	668/2	]		985/2/1	]
	669	0.710		985/2/2	P 0.345

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1	2	3	1	2	3
	991/1 } P	0.133		29/1 }	
	991/2 }			29/2 }	P 0.106
				29/3 }	
992		0.188		30	0.427
993		0.109		31	0.126
994		0.005			
995		0.311		33/1 }	P 0.175
996		0.216		33/2 }	
1004		0.200		34	0.086
1006		0.125		39	0.247
1007		0.230		42	0.145
1011		0.292		43/1 }	P 0.132
1012		0.189		43/2 }	
1013P		0.416		44	0.074
1016		0.366		45	0.275
1019		0.013		55	0.269
1021/1 } P	0.410			64/1 }	P 0.063
1021/2 }				64/2 }	
Karoda				83	0.297
19/1 }	P			86	0.002
19/2 }		0.232			
23		0.116			[ File No. R 31015 / 14 / 97 - OR II ]
24		0.137			K. C. Katoch, Under Secretary.
25		0.301			
26		0.014			

**MINISTRY OF COAL**  
**CORRIGENDA**

New Delhi, the 21st May, 1997

S.O. 1490.—In the notification of the Government of India in the Ministry of Coal number S.O. 3455, dated the 5th December, 1996 published at pages 4898 to 4899 of the Gazette of India, Part-II, Section-3, Sub-Sectoin (ii) dated the 21st December, 1996:—

At page 4899, in the Schedule,

- (1) in line 1, for "UNDERGROUND PROJECT" read "JOBGA UNDERGROUND PROJECT".
- (2) in line 2, for "JOBGA LAKHANPUR COALFIELDS" read "LAKHANPUR COALFIELDS".
- (3) under the heading "Boundary description" and under sub-heading "A-B", in line 1, for "Poodi" read "Pondi".

[No. 43015]16]96-LW]

MRS. P. L. SAINI, Under Secy.

कोयला मंदिरालय

शुद्धि-पत्र

नई दिल्ली, 26 मई, 1997

का. आ. 1491 :—भारत के राजपत्र तारीख 29 मार्च, 1997 के भाग 2, खंड 3, उपखंड (ii) में पृष्ठ क्रमांक 1748 परं 1749 पर प्रकाशित भारत

सरकार कोयला मंदिरालय की अधिसूचना संख्या का. आ. 823, तारीख 10 मार्च, 1997 में, —

पृष्ठ क्रमांक 1748

अनुसूची के ग्राम का नाम स्तम्भ में "मधौली" के स्थान पर "मेडौली" पढ़े।

अनुसूची के क्षेत्र (लगभग) (०कड़) स्तम्भ में "279.00" के स्थान पर "297.00" पढ़े।

अनुसूची के क्षेत्र (लगभग) (एकड़) में कुल क्षेत्र "279.00 एकड़" के स्थान पर "297.00 एकड़" पढ़े। सीमा वर्णन में:—

रेखा क—ख में "मधौली" के स्थान पर "मेडौली" पढ़े।  
रेखा ख—ग में "मधौली" के स्थान पर "मेडौली" पढ़े।  
रेखा ग—घ में "मधौली" के स्थान पर "मेडौली" पढ़े।  
रेखा घ—ङ में "मधौली" के स्थान पर "मेडौली" पढ़े।  
रेखा ङ—च में "मधौली" के स्थान पर "मेडौली" पढ़े।  
रेखा च—छ में "मधौली" के स्थान पर "मेडौली" पढ़े।  
रेखा छ—ज में "मधौली" के स्थान पर "मेडौली" पढ़े।  
रेखा ज—झ में "मधौली" के स्थान पर "मेडौली" पढ़े।  
रेखा झ—क में "मधौली" के स्थान पर "मेडौली" पढ़े।

[फा० सं० 43015/12/96-एल डब्ल्यू]  
श्रीमती प्रेम सत्ता सैनी, अध्यक्ष सचिव

नई दिल्ली, 30 मई, 1997

का. आ. 1492.—केन्द्रीय सरकार ने कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) (जिसे इसमें इसके पश्चात् उक्त अधिनियम कहा गया है) की धारा 4 की उपधारा (1) के अधीन भारत के राजपत्र, भाग 2, खंड 3, उपखंड (ii), तारीख 10 जून, 1995 में प्रकाशित भारत सरकार के कोयला मंदिरालय की अधिसूचना संख्यांक का. आ. 1587, तारीख 10 भूंई, 1995 द्वारा उस अधिसूचना से उपायद्वारा अनुसूची में विनिष्टित परिक्षेत्र की भूमि में जिसका माप 264.42 हैक्टर (लगभग) या 653.13 एकड़ (लगभग) है, कोयले का पूर्वेक्षण करने के अपने आशय की सूचना दी थी;

और केन्द्रीय सरकार का यह समाधान हो गया है कि उक्त भूमि के मुख्य भाग में कोयला अभिप्राप्त है;

अतः, अब, केन्द्रीय सरकार, उक्त अधिनियम की धारा 7 की उपधारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए इससे संलग्न अनुसूची में वर्णित 632.44 एकड़ (लगभग) या 256.04 हैक्टर (लगभग) माप की भूमि में या ऐसी भूमि में या उन पर के अधिकारों का अर्जन करने के अपने आशय की सूचना देती है।

टिप्पण 1: इस अधिसूचना के अन्तर्गत आने वाले क्षेत्र के रेखांक सं. ई.सी.एल./आर.एस.एल./सी.एस.आर.वी./रेखांक सं. 3 तारीख/25-10-1996 का निरीक्षण उपायुक्त, जिला गोदा (बिहार) के कार्यालय में या कोयला नियंत्रक, 1, काउंसिल हाउस स्ट्रीट, कलकत्ता के कार्यालय में या निदेशक (योजना और परियोजना) ईस्टर्न कोलकाता लि. संकटोरिया, लाकघर-दिशोरगढ़, जिला बदेश्वर (पं. बंगाल) के कार्यालय में किया जा सकता है।

टिप्पण 2: कोयला धारक क्षेत्र (अर्जन और विकास) अधिनियम, 1957 (1957 का 20) की धारा 8 के उपबंधों की ओर ध्यान आकृष्ट किया जाता है, जिसमें निम्नलिखित उपबंध हैं।

8. (1) कोई व्यक्ति जो किसी भूमि में जिसकी बाधत धारा 7 के अधीन अधिसूचना निकाली गई है; हितबद्ध है, अधिसूचना के निकाले जाने से तीस दिन के भीतर सम्पूर्ण भूमि या उसके किनी भाग या ऐसी भूमि में या उस पर के किन्हीं प्रधिकारों का प्रज्ञन किए जाने के बारे में आपत्ति कर सकेगा।

**स्पष्टीकरण :** इस धारा के अन्तर्गत यह आपत्ति नहीं मानी जाएगी कि कोई व्यक्ति किसी भूमि में कोयला उत्पादन के लिए स्वयं खनन संक्रियाएं करनी चाहता है और ऐसी संक्रियाएं केन्द्रीय सरकार या किसी अन्य व्यक्ति को नहीं करनी चाहिए।

(2) उपधारा (1) के अधीन प्रत्येक प्राधिकारी को लिखित रूप में की जाएगी और सकाम प्राधिकारी आपत्ति-कर्ता को स्वयं सुने जाने का या विधि व्यवसायी द्वारा सुनवाई का अवसर देगा और ऐसी सभी आपत्तियों को सुनने के पश्चात् और ऐसी अतिरिक्त जांच, यदि कोई हो, करने के पश्चात् जो वह आवश्यक समझता है वह या तो धारा 7 की उपधारा (1) के अधीन अधिसूचित भूमि के या ऐसी भूमि में या उस पर के अधिकारों के संबंध में एक रिपोर्ट या ऐसी भूमि के विभिन्न टुकड़ों या ऐसी भूमि में या उस पर के अधिकारों के संबंध में आपत्तियों पर अपनी सिफारिशों और उसके द्वारा की गई कार्यवाही के अभिलेख सहित विभिन्न रिपोर्ट केन्द्रीय सरकार को उसके विनियन्त्रण के लिए देगा।

(3) इस धारा के प्रयोजनों के लिए वह व्यक्ति किसी भूमि में हितबद्ध समझा जाएगा जो प्रतिकर में हित का बाबा करने का हकदार होता यदि भूमि या किसी ऐसी भूमि में या उस पर के अधिकार इस अधिनियम के अधीन अंजित कर लिए जाते।

**टिप्पणी 3:** केन्द्रीय सरकार ने कोयला नियंत्रक, 1, काउंसिल स्ट्रीट, कलकत्ता को उक्त अधिनियम की धारा 3 के अधीन सकाम प्राधिकारी नियुक्त किया है।

अनुसूची

राजमहल कोयला क्षेत्र

रेखाचित्र सं. एस.डी./3  
तारीख 25-10-1996

खंड सं. 1 जंत की जाने वाली भूमियों को दर्शति हुए)

सभी अधिकार

क्र सं.	मौजा (ग्राम) का नाम	थाना सं.	पुलिस थाना	जिला	एकड़ क्षेत्र में	टिप्पणियाँ
1.	रविया डोह	713	महागामा	गोड्डा	20.43	भाग
2.	रक्षाकिन्ता	714	महागामा	गोड्डा	36.85	भाग
3.	डुमरिया	1	बी. डब्लू. सिमरा-II	गोड्डा	409.20	भाग
4.	हरकट्टा	4	बी. डब्लू. सिमरा-II	गोड्डा	15.60	भाग
5.	पचरू	14	बी. डब्लू. सिमरा-II	गोड्डा	150.36	भाग

कुल: 632.44 एकड़ (लगभग)  
या

256.04 हेक्टर (लगभग)

मौजा रविया डोह में अंजित किए जाने वाले एलाट सं.

185 से 193, 196 से 235

2. मौजा रक्षाकिन्ता में अंजित किए जाने वाले प्लाट

संख्याएँ :

164 से 198, 200 से 237 और 240 (भाग)

3. मौजा डुमरिया में अर्जित किये जाने वाले प्लाट सं.

1 से 45, 45/1228, 46 से 54, 54 से 1229, 55 से 58, 64(भाग), 65 से 115, 116(भाग), 116/1230, 116/1231, 117 से 127, 135(भाग), 171, 172, 174 से 179, 196 से 421, 421/1235, 422 से 429, 429/1236, 430 से 455, 458 से 464, 481(भाग), 482(भाग), 489(भाग), 492 से 513, 543 से 1238, 544 से 594, 595(भाग), 595/1294, 732(भाग), 879, 880, 880/1239, 881 से 886, 890 से 940, 996(भाग), 1007 से 1012, 104, 1015(भाग), 1016(भाग), 1017(भाग), 1040(भाग), 1042 से 1055, 1057 से 1146, 1146/1240, 1147 से 1177, 1178(भाग), 1179 से 1189, 1189, 1191 से 1226.

4. मौजा हरकटडा में अर्जित किये जाने वाले प्लाट सं.

354 भाग, 496 से 511 11, 5 से 523

5. मौजा पचरुखी में अर्जित किये जाने वाले प्लाट सं.

1 से 41, 41/342, 42 से 126, 128 से 140, 142 से 248, 250 से 279, 283 से 288, 292 से 297, 299 से 301, 303 से 305, 307 से 318 और 343

सीमा वर्णन :

क 1—क 2

रेखा मौजा रवियाडीह सं. 713 के प्लाट सं. 194 के पश्चिमी ओर दक्षिणी बिन्दु से आरंभ होती है और प्लाट सं. 195 की दक्षिणी रेखा के साथ-साथ जाती है और “क 2” बिन्दु पर मिलती है।

क 2—क 3

रेखा, तेतारिया सं. 31 और रवियाडीह सं. 713 की संयुक्त सीमा रेखा से होकर जाती है तथा मौजा तेतारिया सं. 31, रवियाडीह सं. 713 और डुमरिया सं. 1 की त्रिसीमा रेखा के “क” बिन्दु पर मिलती है।

क 3—क 4

रेखा मौजा तेतारिया सं. 31 और डुमरिया सं. 1 की संयुक्त सीमा रेखा मे होकर जाती है और मौजा तेतारिया सं. 31, डुमरिया सं. 1 और पहाड़पर सं. 32 की त्रिसीमा रेखा के “क 4” बिन्दु पर मिलती है।

क 4—क 5

रेखा मौजा पहाड़पर सं. 32 और डुमरिया सं. 1 की संयुक्त सीमा रेखा के साथ जाती है और मौजा पहाड़पर सं. 32, डुमरिया सं. 1 और पचरुखी सं. 14 की सीमा रेखा के “क 5” बिन्दु पर मिलती है।

क 5—क 6

रेखा मौजा पहाड़पर सं. 32 और पचरुखी सं. 14 की संयुक्त सीमा रेखा के साथ जाती है और “क 6” बिन्दु पर मिलती है।

क 6—क 7—क 8

रेखा मौजा चपरुखी सं. 14, प्लाट सं. 127, 141, 249 की पश्चिमी दक्षिणी और पूर्वी रेखा के साथ जाती है और मौजा पचरुखी सं. 14 की संयुक्त सीमा रेखा के साथ जाती है तथा मौजा पचरुखी सं. 14 और पहाड़पर सं. 32 की संयुक्त सीमा रेखा के साथ जाती है, मौजा पचरुखी के प्लाट सं. 298 की पश्चिमी रेखा के साथ जाती है और “क 8” बिन्दु पर मिलती है।

क 8—क 9—क 10

रेखा मौजा पचरुखी सं. 14 के प्लाट सं. 298 की पूर्वी रेखा के साथ जाती है, रेखा पचरुखी मौजा सं. 14 और पहाड़पर सं. 32 की संयुक्त सीमा रेखा के साथ जाती है। पचरुखी मौजा सं. 14 के प्लाट सं. 302 की उत्तरी ओर पश्चिमी रेखा के साथ जाती है, रेखा प्लाट सं. 306 की पश्चिमी दक्षिणी और पूर्वी रेखा के साथ जाती है, मौजा पचरुखी सं. 14 और पहाड़पर सं. 32 की संयुक्त सीमा रेखा के साथ-साथ जाती है और “क 10” बिन्दु पर मिलती है।

क 10—क 11

रेखा मौजा पचरुखी सं. 14 के प्लाट सं. 326 के पश्चिमी और दक्षिणी रेखा के साथ जाती है और “क 11” बिन्दु पर मिलती है।

क 11—क 12

रेखा मौजा पचरुखी सं. 14 के प्लाट सं. 282 की उत्तरी ओर पश्चिमी रेखा के साथ जाती है और “क 12” बिन्दु पर मिलती है।

क 12—क 13

रेखा मौजा पचरुखी सं. 14 के प्लाट सं. 282 के पूर्वी उत्तरी ओर पश्चिमी रेखा के साथ जाती है और “क 13” बिन्दु पर मिलती है।

क 13—क 14

रेखा मौजा पचरुखी सं. 14 प्लाट सं. 282 के उत्तरी पश्चिमी और दक्षिणी रेखा के साथ जाती है और “क 14” बिन्दु पर मिलती है।

- क 14—क 15 रेखा, मौजा डुमरिया सं. 14 और डुमरिया सं. 1 की संयुक्त सीमा के साथ जाती है और "क 15" बिन्दु पर मिलती है।
- क 15—क 16 रेखा, मौजा डुमरिया सं. 1 के प्लाट सं. 1178 से होकर जाती है, प्लाट सं. 1178 के पश्चिमी और उसरी रेखा के साथ जाती है, प्लाट सं. 732 से होकर जानी है, मौजा डुमरिया के प्लाट सं. 1227 के पश्चिमी रेखा के साथ जाती है और "क 16" बिन्दु पर मिलती है।
- क 16—क 17—क 18 रेखा, मौजा डुमरिया सं. 1 के प्लाट सं. 1227 की दक्षिणी और पूर्वी रेखा के साथ जाती है, प्लाट सं. 1227 के दक्षिणी और पश्चिमी रेखा के साथ जानी है और "क 18" बिन्दु पर मिलती है।
- क 18—क 19 रेखा, मौजा डुमरिया सं. 1 और हरकटा सं. 4, की संयुक्त सीमा रेखा के साथ जाती है, मौजा हरकटा 4 के प्लाट सं. 503, 505, 509 की पूर्वी रेखा के साथ जाती है, प्लाट सं. 510, 511 के पूर्वी और दक्षिणी रेखा के साथ जाती है और "क 19" बिन्दु पर मिलती है।
- क 19—क 20 रेखा मौजा हरकटा में प्लाट सं. 512, 514, 530, 527, 526, 524, 495 की उत्तरी रेखा के साथ जाती है, प्लाट सं. 354, 353 से होकर जाती है और "क 20" बिन्दु पर मिलती है।
- क 20—क 21 रेखा, मौजा डुमरिया के प्लाट सं. 1040, 1041 से होकर जाती है, प्लाट सं. 1039, 1038, 1037, 1033 की उत्तरी रेखा के साथ जाती है, प्लाट सं. 1032 की पूर्वी रेखा से होकर जाती है, प्लाट सं. 1056 की पूर्वी और उत्तरी रेखा के साथ जाती है, प्लाट सं. 1018, की उत्तरी रेखा से होकर जाती है, प्लाट सं. 1016, 1015, 1014, 996 से होकर जाती है, प्लाट सं. 997 की पूर्वी रेखा से होकर जाती है, प्लाट सं. 1006 की पूर्वी और उत्तरी रेखा से होकर जाती है, प्लाट सं. 1005, 1003, 1002, 1001, 1000, 999 की उत्तरी रेखा के साथ जाती है, प्लाट सं. 732 से होकर जाती है, प्लाट सं. 889 की पूर्वी और उत्तरी रेखा के साथ जाती है, प्लाट सं. 888, 887, 878 की उत्तरी रेखा से होकर जाती है, प्लाट सं. 6 की पूर्वी और उत्तरी रेखा से होकर जाती है और प्लाट सं. 610 से होकर जाती है। प्लाट सं. 595 से होकर जाती है और "क 21" बिन्दु पर मिलती है।
- क 21—क 22 रेखा, मौजा डुमरिया सं. 1 के प्लाट सं. 601, 600 की पूर्वी रेखा के साथ जाती है, प्लाट सं. 597, 596 की दक्षिणी रेखा से होकर जाती है, प्लाट सं. 81, 482, 489 से होकर जाती है, प्लाट सं. 491 की पूर्वी रेखा के साथ जाती है, प्लाट सं. 490 की पूर्वी और उत्तरी रेखा के साथ जाती है, प्लाट सं. 487, 486 की उत्तरी रेखा के साथ जाती है, प्लाट सं. 456, 457 की उत्तरी पश्चिमी रेखा के साथ-साथ जाती है, प्लाट सं. 483 की पश्चिमी रेखा के साथ जाती है, प्लाट सं. 482, 466, 465 की उत्तरी रेखा के साथ जाती है, मौजा डुमरिया सं. 1 और छोटा खडहरा सं. 2 की संयुक्त सीमा रेखा के साथ जाती है और "क 22" बिन्दु पर मिलती है।
- क 22—क 23 रेखा, मौजा डुमरिया सं. 1 के प्लाट सं. 195, 194, 180, 170, 169 की पूर्वी रेखा के साथ जाती है और प्लाट सं. 135 से होकर जाती है, प्लाट सं. 173, 12, 33, 128 की पूर्वी रेखा के साथ जाती है और "क 23" बिन्दु पर मिलती है।
- क 23—क 24 रेखा प्लाट सं. 128, 129 की उत्तरी रेखा के साथ जाती है, प्लाट सं. 1232 की पूर्वी और उत्तरी रेखा के साथ जाती है, प्लाट सं. 116, 64 से होकर जाती है, प्लाट सं. 64 की उत्तरी और पश्चिमी रेखा के साथ जाती है, प्लाट सं. 61 की उत्तरी रेखा के साथ जाती है, प्लाट सं. 59 की पूर्वी और उत्तरी रेखा के साथ जाती है, मौजा डुमरिया सं. 1 और रखसकिटा सं. 714 की संयुक्त सीमा रेखा से होकर जाती है,

माँजा कणमिट्टा से सं. 714 के प्लाट सं. 240 से होकर जाती है, प्लाट सं. 199 की उत्तरी ओर पश्चिमी रेखा के साथ जाती है, प्लाट सं. 201 से होकर जाती है, प्लाट सं. 238 के उत्तरी ओर पश्चिमी रेखा के साथ जाती है, मौजा मोहनपुर सं. 716 और माँजा रखाकिता सं. 714, की संयुक्त सीमा रेखा के साथ जाती है और "क24" बिन्दु पर मिलती है।

क24-क1  
रेखा, माँजा रखासकिटा के प्लाट सं. 163 की पूर्वी रेखा के साथ जाती है, माँजा रखासकिटा सं. 714 और रबियाडीह मं. 713 की संयुक्त सीमा रेखा से होकर जाती है, मौजा रबियाडीह में प्लाट सं. 184 की पूर्वी रेखा के साथ जाती है और आरंभिक बिन्दु "क1" पर मिलती है।

[सं. 43015/13/93-एल.एस.इस्ट.]  
श्रीमती प्रेम लता सैनी, अवधि मन्त्रिव

New Delhi, the 30th May, 1997

S. O. 1942.—Whereas by the notification of the Government of India in the Ministry of Coal number S. O. 1587 dated the 10th May, 1995 published in the Gazette of India, Part-II, Section 3, Sub-section (ii) dated the 10th June, 1995 under sub-section (1) of section 4 of the Coal Bearing Areas (Acquisition and Development) Act, 1957 (20 of 1957) (hereinafter referred to as the said Act), the Central Government gave notice of its intention to prospect for coal in 653.13 acres (approximately) or 264.42 hectares (approximately) of lands in the locality specified in the Schedule annexed to that notification;

And, whereas, the Central Government is satisfied that coal is obtainable in a major portion of the said lands;

Now, therefore, in exercise of the powers conferred by sub-section (1) of section 7 of the said Act, the Central Government hereby gives notice of its intention to acquire the said lands measuring 632.44 acres (approximately) or 256.04 hectares (approximately) described in the Schedule annexed hereto.

Note—1 The plan bearing No. ECL/RJML 'C'/SRV./Plan No. 3 dated 25-10-1996 of the area covered by this notification may be inspected in the office of the Deputy Commissioner, District Godda (Bihar) or in the office of the Coal Controller, 1, Council House Street, Calcutta or in the office of the Director (Technical) (Planning and Project), Eastern Coalfields Limited, Sanatoria, Post: Office Dishergarh, District Burdwan (West Bengal).

Note—2 Attention is hereby invited to the provisions of section 8 of the Coal Bearing Areas Acquisition and Development) Act, 1957 (20 of 1957), which provides as follows :—

"8. (1) Any person interested in any land in respect of which a notification under section 7 has been issued may, within thirty days of the issue of the notification object to the acquisition of the whole or any part of the land or of any rights in or over such land.

Explanation :—It shall not be an objection within the meaning of this section for any person to say that he himself desires to undertake mining operations in the land for the production of coal and that such operation should not be undertaken by the Central Government or by any other person.

(2) Every objection under sub-section (1) shall be made to the competent authority in writing, and the competent authority shall give the objector an opportunity of being heard either in person or by a legal practitioner and shall, after hearing all such objections and after making such further inquiry, if any, as he thinks necessary, either make a report in respect of the land which has been notified under sub-section (1) of section 7 of rights in or over such land, or make different reports in respect of different parcels of such land or of rights in or over such land, to the Central Government, containing his recommendations on the objections, together with the record of the proceedings held by him, for the decision of that Government.

(3) For the purposes of this section a person shall be deemed to be interested in land who would be entitled to claim an interest in compensation if the land or any rights in or over such land were acquired under this Act."

Note : 3 The Coal Controller, 1, Council House Street, Calcutta, has been appointed by the Central Government as the competent authority under the Act.

### SCHEDULE

#### RAJMAHAL COALFIELDS

Drawing No. SD/3  
Dated : 25-10-96

All Rights Block No. I (Showing lands to be acquired)

Serial Number	Name of Mouza (Village)	Thana number	Police Station (Thana)	District	Area in acres	Remarks
1.	Rabiadih	713	Mahagama	Godda	20.43	Part
2.	Raksakitta	714	Mahaguma	Godda	36.85	Part
3.	Dumaria	1	BW Simra-II	Godda	409.20	Part
4.	Harkatta	4	BW Simra-II	Godda	15.60	Part
5.	Pachrukhi	14	BW Simra-II	Godda	150.36	Part
Total -- 632.44 acres (approximately) or 256.04 hectares (approximately)						

- Plot Nos. to be acquired in Mouza Rabiadih : 185 to 193, 196 to 235.
- Plot Nos. to be acquired in Mouza Raksakitta : 164 to 198, 200 to 237 and 240 (Part).
- Plot Nos. to be acquired in Mouza Dumaria : 1 to 45, 45/1228, 46 to 54, 54/1229, 55 to 58, 64 (Part), 65 to 115, 116 P, 116/1230, 116/1231, 117 to 127, 135 P, 171, 172, 174 to 179, 196 to 421, 421/1235, 422 to 429, 429/1236, 430 to 455, 458 to 464, 481 P, 482 P, 489 P, 492 to 543, 543/1238, 544 to 594, 595 P, 595/1294, 732 P, 879, 880, 880/1239, 881 to 886, 890 to 940, 996 P, 1007 to 1012, 1014 P, 1015 P, 1015 P, 1017, 1040 P, 1041 P, 1042 to 1055, 1057 to 1146, 1146/1240, 1147 to 1177, 1178 P, 1179 to 1189, 1191 to 1226.
- Plot Nos. to be acquired in Mouza Harkatta : 354 P, 496 to 511, 515 to 523.
- Plot Nos. to be acquired in Mouza Pachrukhi : 1 to 41, 41/342, 42 to 126, 128 to 140, 142 to 248, 250 to 279, 283 to 288, 292 to 297, 299 to 301, 303 to 305, 307 to 318 and 343.

#### BOUNDARY DESCRIPTION

A 1—A 2	Line starts from western and southern point of plot No. 194 of Mouza Rabiadih No. 713 and passes alongwith southern line of plot No. 195 and meets at point "A2".
A 2—A 3	Line passes through joint boundary line of Tetaria No. 31 and Rabiadih No. 713 and meets at point "A" of trio boundary line of Mouza Tetaria No. 31, Rabiadih No. 713 and Dumaria No. 1.
A 3—A 4	Line passes through joint boundary line of Mouza Tetaria No. 31 and Dumaria No. 1 and meets at point "A" of trio boundary line of mouza Tetaria No 31, Dumaria No 1 and Paharpur No. 32.
A 4—A5	Line passes alongwith joint boundary line of mouza Paharpur No. 32 and Dumaria no 1 and meets at point "A5" of trio boundary line of mo uza Paharpur No. 32, Dumaria No. 1 and Pachrukhi No. 14.

- A 5—A 6 Line passes alongwith joint boundary line of mouza Paharpur No. 32 and Pachrukhi No. 14 and meets at point "A 6".
- A 6—A 7—A 8 Line passes alongwith western southern and eastern line of mouza Pachrukhi No. 14, plot no. 127, 141, 249 and passes alongwith joint boundary line of mouza Pachrukhi no. 14 and Paharpur no. 32 passes alongwith western line of plot no 298 mouza Pachrukhi and meet at point "A 8."
- A 8—A 9—A 10 Line passes alongwith eastern line of plot no. 298 of mouza Pachrukhi no. 14 line passes alongwith point boundary line of mouza Pachrukhi no. 14 and Paharpur no 32 passes alongwith southern northern and western line of plot no. 302 of mouza Pachrukhi No. 14 line passes alongwith western southern and eastern line of plot No. 306, passes alongwith joint boundary of mouza Pachrukhi no. 14 and Paharpur No. 32 and meets at point "A 10".
- A 10—A 11 Line passes alongwith the western and southern line of plot No. 326 and mouza Pachrukhi No. 14 and meets at "A 11".
- A 11—A 12 Line passes alongwith northern line of plot No. 282 of mouza Pachrukhi No. 14 and meets at point "A 12".
- A 12—A 13 Line passes alongwith eastern northern and western line of plot No. 282 of mouza Pachrukhi No. 14 and meets at point "A 13".
- A 13—A 14 Line passes alongwith the northern western and southern line of plot No. 282 of mouza Pachrukhi No. 14 and meets at "A 14".
- A 14—A 15 Line passes alongwith the joint boundary line of mouza Pachrukhi No. 14 and Dumaria No. 1 and meets at "A 15".
- A—15—A16 Line passes through plot No. 1178 of mouza Dumaria No. 1, passes alongwith western and northern line of plot No. 1178, passes through plot No. 732, passes alongwith western line of plot No. 1227 of mouza Dumaria and meets at point "A 16".
- A16—A17—A18 Line passes alongwith southern and eastern line of plot No. 1227 of mouza Dumaria No. 1, passes alongwith the southern and western line of plot No. 1227 and meets at point "A 18".
- A 18— A19 Line passes alongwith the joint boundary line of mouza Dumaria No. 1 and Harkatta No. 4, passes alongwith eastern line of plot No. 503, 505, 509 of mouza Harkatta No. 4, passes alongwith eastern and southern line of plot No. 510, 511 and meets at "A12".
- A 19—A 20 Line passes alongwith northern line of plot No. 512, 514, 530, 527, 526, 524, 495 of mouza Harkatta. passes through plot No. 354, 353 and meets at point "A 20".
- A 20—A 21 Line passes through plot No. 1040, 1041 of mouza Dumaria, passes alongwith northern line of plot No. 1039, 1038, 1037, 1033, passes through eastern line of plot No. 1032 passes alongwith eastern and northern line of plot No.. 1056, passes through northern line of plot No. 1018, passes through plot No. 1016, 1015, 1014, 996 passes through eastern line of plot No. 997, passes through eastern and northern line of plot No. 1006, passes alongwith northern line of plot No. 1005, 1003, 1002, 1001, 1000, 999, passes through plot No. 732, passes alongwith eastern and northern line of plot No. 889, passes through northern line of plot No. 888, 887, 878, passes through eastern and northern line of plot No. 611, passes through plot No. 610, passes through plot No. 595 and meets at point "A 21".
- A 21—A 22 Line passes alongwith eastern line of plot No. 611, 600 of mouza Dumaria No. 1, passes through southern line of plot No. 597, 596, passes through plot No. 481, 482, 489, passes alongwith eastern line of plot No. 491, passes alongwith eastern and northern line of plot No. 490 passes alongwith northern line of plot No. 487, 486, passes alongwith northern and western line of plot No. 465, 457, passes alongwith western line of plot No. 483, passes alongwith northern line of plot No. 482, 466, 465 passes alongwith joint boundary line of mouza Dumaria No. 1 and Chhota Khadahara No. 2 and meets at point "A 22".
- A 22—A 23 Line passes alongwith eastern line No. 195, 194, 180, 170, 169 of mouza Dumaria No. 1, passes through plot No. 135, passes alongwith eastern line of plot No. 173, 1233, 128 and meets at point "A23".

A 23—A 24

Line passes alongwith northern line of plot No. 128, 129 passes alongwith eastern and northern line of plot No. 1232, passes through plot No. 116, 64 passes alongwith northern and western line of plot No. 64, passes alongwith northern line of plot No. 61, passes alongwith esatern and northern line of plot No. 59 passes through joint boundary line of mouza Dumaria No. 1 and Raksakitta No. 714, passes through plot No. 240 of mouza Raksakitta No. 714 passes alongwith northern and western line of plot No. 199, passes through plot No. 201, passes alongwith northern and western line of plot No. 238, passes alongwith joint boundary line of mouza Mohanpur No. 716 and mouzn Raksakitta No. 714 and meets at point "A24".

A 24—A 1

Line passes alongwith eastern line of plot No. 163 of mouza Raksakitta, passes through joint boundary line of mouza Raksakitta No. 714 and Rabiadih No. 713, passes alongwith eastern line of plot No. 184 of mouza Rabiadih and meets on starting point at point "A1".

†No. 43015|13|93-LSW]

MRS. P. L. SAINI, Under Secy.

## श्रम मंत्रालय

नई दिल्ली, 28 अप्रैल, 1997

का. आ. - 1493-श्रोदोगिक विवाद अधिनियम, 1947  
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार भैसर्स इंडियन रेयर अर्थ लि. के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रोदोगिक विवाद में श्रोदोगिक अधिकरण, भुवनेश्वर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 28-4-97 को प्राप्त हुआ था।

[सं. एल-29011/37/93-आई.आर. (विविध)]

बी. एम. डेविड, ईस्क अधिकारी

## MINISTRY OF LABOUR

New Delhi, the 28th April, 1997

S.O. 1493.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Bhubaneswar as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Indian Rare Earths Ltd., and their workman, which was received by the Central Government on 28-4-97.

[No. L-29011/37/93-IR(Misc)]

B. M. DAVID, Desk Officer

## ANNEXURE

## INDUSTRIAL TRIBUNAL : ORISSA:

BHUBANESWAR

## PRESENT:

Sri M. R. Behera, O.S.J.S. (Sr. Branch).  
Presiding Officer, Industrial Tribunal.  
Orissa, Bhubaneshwar.

Industrial Dispute Case No. 9 of 1994 (Central)  
Dated, Bhubaneswar, the 12th day of April, 1997.

## BETWEEN

The management of M/s. Indian Rare Earths Ltd., Chhatrapur, Distt. Ganjam.  
....First Party-management.

## AND

Their Workmen represented through  
Rare Earths Employees' Union (OSCOM),  
P.O. Matikhalo, Distt. Ganjam.  
....Second Party-workmen.

Industrial Dispute Case No. 10 of 1994 (Central)

## BETWEEN

The management of M/s. Indian Rare Earths Ltd., Chhatrapur, Distt. Ganjam.  
....First Party-management.

## AND

Their workmen represented through  
Rare Earths Employees' Union (OSCOM),  
P.O. Matikhalo, Distt. : Ganjam.  
....Second Party-workmen.

## APPEARANCES:

Sri. S. K. Patra, Manager (Personnel)—for  
the First party-management.

Sri P. C. Panigrahi, General—For the Second  
Secretary of the Union Party-workmen.

## AWARD

The Government of India in the Ministry of Labour, in exercise of powers conferred upon them by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947 (14 of 1947), have referred the following disputes for adjudication vide their letter Nos. 29011/37/93-IR (Misc.) dated 1-2-94 and Letter No. 29011/38/93-IR (Misc.) dated 1-2-94 in I.D. Case Nos. 9 of 1994 (C) and No. 10 of 1994 (C) respectively :

## I. D. Case No. 9/94(C)

"Whether the action of the management of Indian Rare Earths Ltd., Chhatrapur is justified in not granting Earned Leave| Annual leave of 5 employees as per 1st as appended below ? If not, to what relief they are entitled to ?"

1. Shri A. K. Das, S.W. (2) Sri M. Parigrahi, U.S.W. (3). Sri. G. D. Behera, U.S.W. (4) Sri. B. D. Behera, U.S.W., (5) Sri K.K. Reddy, U.S.W.

## I.D. Case No. 10/94(C)

"Whether the action of the management of Indian Rare Earths Ltd., Chhatrapur is justified in not granting Earned leave| Annual leave of 9 trainees as per list appended ? If not, what relief they are entitled to?"

- (1) Sri A. K. Das, (2) Sri M. Parichha, (3) Sri B. D. Patra, (4) Sri J. K. Sahu, (5) Sri S. C. Mallick, (6) Sri A. K. Nahak, (7) Sri K. N. Sahu, (8) Sri Pitambar Sahu and (9) Sri Loka Nath Sahu.

2. I.D. Case No. 9 of 1994(C) has concern for non-grant of Earned leave|Annual leave in respect of A. K. Das, M. Panigrahi, G. D. Behera, B. D. Behera and K. K. Reddy, I.D. Case No. 10 of 1994 (C) has concerned for non-grant of Earned leave| Annual leave in respect of A. K. Das, M. Parichha, B. D. Patra, J. K. Sahu, S. C. Mallick, A. K. Nahak, K. N. Sahu, Pitambar Sahu and Loka Nath Sahu. The subject of both the reference are identical.

3. In both the cases the parties have not filed their respective claim statement or written statement. But however, the parties have filed a memorandum of settlement arrived between them in presence of the Asst. Labour Commissioner-cum-Conciliation Officer, Bhubaneswar.

4. The Conciliation Officer of the Conciliation cell has also endorsed that infact a settlement is arrived in between the parties. Perused the settlement. There is no reason why the settlement will not be accepted. Therefore, this Tribunal on ascertaining of facts from the parties is satisfied that the settlement will further enhance industrial peace and harmony in the industry concerned. Therefore, the settlement is accepted. The settlement do form part of the Award.

5. Reference are answered in terms of the settlement and the Award is passed accordingly.

Dictated and corrected by me.

M. R. BEHERA, Presiding Officer

## FORM 'M'

(see Rule 58)

MEMORANDUM OF SETTLEMENT DATED 12th Jan '94 UNDER SECTION 12(3) OF THE I.D. ACT, 1947 BETWEEN THE MANAGEMENT OF INDIAN RARE EARTH LIMITED (OSCOM), MATIKHALO, GANJAM AND THEIR WORKMEN THROUGH RARE EARTHS EMPLOYEES UNION (REEU) THE RECOGNISED UNION UNDER THE CODE OF DISCIPLINE OVER VARIOUS ISSUES/DISPUTES ARRIVED IN COURSE OF CONCILIATION PROCEEDINGS HELD BY THE ASST. LABOUR COMMISSIONERS (C), BHUBANESWAR.

## NAME OF THE PARTIES :

Representing Employer

S|Shri

1. N. R. Nair,  
Sr. General Manager
2. R. K. Ramanathan,  
CS & General Manager (P&A)
3. D. Rout,  
Manager (P&A)

Representing the Workmen

S|Shri

1. Brundaban Nayak,  
Vice-President
2. A. K. Choudhury,  
General Secretary
3. Bhikari Ch. Satapathy,  
Asst. Secretary
4. B. Keshab Rao,  
Treasurer
5. S. P. Mohanty,  
Executive Body Member

## SHORT RECITAL OF THE CASE

The workmen of the OSCOM Unit represented through the Rare Earths Employee's Union and the representatives of the Management of Indian Rare Earths Limited (OSCOM), Matikhalo having agreed to and drawn up in course of conciliation proceedings a fair and amicable settlement dated 12th January, 1994 of a Recruitment and Promotion Policy containing the rationalisation of the different categories of workmen, laying down the procedure of recruitment, norms of promotion and other allied issues, had sat down to compose and compromise various other disputes and differences between them including those pending before different Courts, Tribunal and other Authorities as briefly indicated in Annexure-I of this statement, if the same was possible. After protracted discussions and deliberations between the parties at bipartite level, certain areas of serious differences remained unattainable. The parties thereupon approached the Conciliation Assistant Labour Commissioner (C), Bhubaneswar to

intervene and help the parties to arrive at a settlement. Accordingly, the Conciliation Officer/Assistant Labour Commissioner (C), Bhubaneswar entered into conciliation on all disputes except those pending before the Tribunal or with the Government after failure of conciliation as contained in parts I and II of Annexure-I.

### TERMS OF SETTLEMENT

1.0 Wherever the context so requires, the corresponding immediate previous grade shall apply mutatis mutandis.

2.0 The existing employees in Rs. 1295-2395 (Pre-revised PR) Rs. 460-1040) grade fall as on 31-12-1990 in two groups, namely :—

- (a) those who have been originally recruited in Rs. 1275-2250 grade (PR Rs. 440-900) and subsequently brought on to the grade of Rs. 1295-2395 (PR Rs. 460-1040) by a settlement with the Union dated 31-3-88 and hereafter ; and
- (b) those who had been directly recruited to the grade of Rs. 1295-2395 (PR Rs. 460-1040).

2.1 After detailed discussion, it has been specifically agreed between the parties that all employees belonging to the above two groups (a) or (b) can not automatically be covered for promotion to the higher grade uniformly, but only those as are specifically indicated in Annexure-II, which has been drawn up after considering all relevant factors, will be covered for promotion as stipulated in the following sub-paragraph.

2.2 Subject to fulfilling the promotion norms as contained in the Promotion Policy settlement dated 12-1-1994, the existing employees, as detailedly discussed and considered, in the grade of Rs. 1295-2395 as shown in Annexure-II to this settlement, will be eligible for promotion on or after 1-7-1988 to the grade of Rs. 1355-2705 after completion of five (5) years service in the grade of Rs. 1295-2395 irrespective of any earlier date of completion of five years service.

2.3 Provided that, respecting the understanding reached between the parties in the settlement dated 31-3-1988, and followed thereafter, for purpose of reckoning of seniority in Rs. 1295-2395 grade and promotion to Rs. 1355-2705 grade vis-a-vis the employees in group 2.0 (b), the period of five (5) years service in respect of the employees in group 2.0 (a) above grade will be counted from the respective dates of their entry in Rs. 1275-2250 grade.

2.4 The Management agrees, as a one time benefit, to grant one additional increment to the employees in group 2.0 (b) above in their respective grade to be merged with their Basic Pay effective from 1-1-1993. It is clearly understood and agreed by the Union that by virtue of settlement dated 31-3-1988 referred to above and followed thereafter, no disputes shall exist, arise or be raised or lie nor the management will entertain any dispute, with regard to interse seniority, fixation of pay, etc. between the

said two groups of employees, claiming anomalies contrary to or inconsistent with what has been agreed to above.

2.5 Promotions of employees belonging to the categories mentioned in Annexure-II will after they are promoted to Rs. 1355-2705 grade and those workmen in these categories in Annexure-II, Who are already the higher grade above Rs. 1355-2705 be given as shown below, on completion of five years in the respective grades subject of course to the fulfilment of all the other promotion norms as contained in the Promotion Policy Settlement :

From: Rs. 1355-2705 grade to Rs. 1385-2855 grade.

From Rs. 1385-2855 grade to Rs. 1460-3050 grade.

2.6 It is understood and agreed that the above arrangement/understanding of promotion of the existing employees belonging to the categories mentioned in Annexure-II being special and a package settlement, shall not be quoted as a precedent or policy by those not covered by Annexure-II.

3.0 It is agreed by the Management that as an one time benefit, the existing Riggers, Work Sircars and Vulcanisers, (shown in Annexure V) in the grades of Rs. 1295-2395 and Rs. 1310-2535 will be given one additional increment in their respective grade as on 1-1-1993 to be merged with their Basic Pay effective from 1-1-1993.

4.0 In respect of such of the existing EME operators and Crane Operators who were in the grade of Rs. 1295-2395 prior to 1-7-1988, it is agreed that they will be brought to the grade of Rs. 1310-2535 effective from 1-7-88. Thereafter, their promotions to the higher grades will be regulated as under, provided of course, they fulfil the promotion norms in the Promotion Policy Settlement.

(a) From Rs. 1310-2535 grade to Rs. 1355-2705.

(b) From Rs. 1355-2705 grade to Rs. 1385-2855.

(c) From Rs. 1385-2855 grade to Rs. 1460-3050.

The above relaxation is not applicable to the employees who have come to the grade of Rs. 1295-2395 on or after 1-1-91.

5.0 The existing Firemen as on 31-3-1993 who are in the grade of Rs. 1275-2250 will on completion of five years of service, in the grade be promoted to the grade of Rs. 1310-2535 as contained in the Promotion Policy Settlement and thereafter they will follow the promotion pattern. It is understood and agreed by the parties to the settlement that this is an one time benefit given to the existing Firemen in full satisfaction of their grievance.

6.0 It is agreed by the parties to this settlement that the existing Helper (Medical) will be paid a special allowance of Rs. 35 (Rupees thirty-five only) per month with effect from 1-1-1993.

7.0 It is agreed that as an one time benefit only, the existing workmen in the categories of (a) junior Time Keeper, (b) Telephone Operator, (c) Security Inspector, (d) Security Assistant, (e) Despatcher, (f) Store Issues, (g) Record Keeper, and (h) Office Equip't. Operator (i.e Bradne Machine Operator and Print Machine Operator), will be promoted on completion of five (5) years service, in the first mentioned grade as shown below, to the next grade as shown below, but not before 1-7-88.

Rs. 1.75-2250 to Rs. 1310-2535.

Rs. 1.10-2535 to Rs. 1355-2705.

Rs. 1.55-2705 to Rs. 1435-2985.

Rs. 1.35-2985 to Rs. 1460-3050.

8.0 It is agreed by the parties to this settlement that the helpers and Security guards as on 31st Dec. 1990, in all grades will be given an additional increment in their respective grades to be merged with their basic pay with effect from 1-1-93 only, as one time settlement of all their demands, and full satisfaction of their grievances.

8.01 It is agreed by the parties to this settlement, that the existing Drivers in all grades having Heavy Vehicle Driving Licence, will be given an additional increment in their respective grade to be merged with their respective basic Pay with effect from 1-1-93 only, on the understanding that to economise expenses on over-time wherever possible, the Drivers will piy the buses without helper in case of emergencies or where the services of Helper cannot immediately be arranged.

9.0 It is agreed by the parties to this settlement, that in respect of appointments so far made on compassionate grounds on daily wage basis, a lumpsum amount will be paid as under to each such appointee as one time settlement of all their demands, and full satisfaction of their grievances.

(a) Lumpsum amount of Rs. 500 to each such appointee who had been engaged for less than six (6) months on daily wages;

(b) Lumpsum amount of Rs. 1000 to each such appointee who had been engaged for six (6) months or more on daily wages.

All such cases are shown in Annexure-III to this settlement.

10.0 It is agreed by the parties to this settlement, that in respect of workmen other than Trainees, annual leave will be credited to their respective leave accounts at the following rates :

(i) For the period of their employment on daily wages prior to the coming into force of the Certified Standing Orders, at the rates admissible under the Mines Act.

(ii) For the period of such employment on daily wages after coming into force of the Certified Standing Orders, at the rates admissible under the Standing Orders.

10.1 On the said basis, the number of days of annual leave due in respect of each workmen concerned will be credited to his leave account, the quantum of such leave being shown in Annexure-IV to this settlement. In case due to such credit of leave the total accumulated leave of workmen exceed the limit of permissible accumulation, such excess leave will not lapse unless the workmen concerned encashes the excess leave within 90 days from the date of this settlement.

10.2 After discussion, the Union dropped the demand for leave for Trainees treating the matter as settled.

10.3 After discussion, the Union also dropped the demand for enhancement of National and festival holidays, treating the matter as settled and closed.

11.0 To satisfy the grievances of Shri S. Sanjiva Rao who had worked as Tractor Driver on casual basis, it is agreed by the Management that he will be freshly appointed as Junior Driver subject to his producing his valid registration certificate of the local Employment Exchange and appearing at the interview for the said post. The process will be completed within one month from the date of this settlement.

11.1 The casual workers as in Annexure-VI will be regularised on completion of 240 working days in I.R.E. in a calendar year. Annexure-VI is final and no further additions will be claimed, pressed, raised by the union for whatsoever reasons.

12.0 It is agreed by the Management that Shri P.G.K. Rao, Auto Mechanic will be granted one additional increment in his existing grade to be merged with his Basic Pay, effective from 1-1-93 which will be in full and final settlement of his grievances.

13.0 As one time benefit to the existing Laboratory Assistants, it is agreed that any of them who has completed five (5) years of service in Rs. 1295-2395 grade or combinedly in Rs. 1295-2395 and Rs. 1310-2535 grades, as the case may be, will be promoted to Rs. 1385-2855 grade, Rs. 1435-2985 grade and Rs. 1460-3050 grade as per promotion norms.

14.0 It is agreed that arrears as due towards overtime, LTC encashment, and leave encashment, as a result of the benefits extended under this agreement will be made within ninety days from the date of the settlement setting off therefrom the statutory deductions wherever applicable.

15.0 In view of this package settlement reached by and between the parties fairly and amicably in course of conciliation as also the settlement on promotion policy, the parties agree and accordingly do declare that all demands/disputes/differences/complaints of the Union/workmen regarding anomalies relating to recruitment, promotion, etc. till now, and all demands/disputes/differences/complaints of the Union/workmen till date including those pending before any Court, Tribunal, Government of Authority under any law for the time being in force which all are specifically mentioned by the parties in An-

nexure-I, to this settlement and those not specifically included in Annexure-I, but have been negotiation level shall be deemed to have been fully, fairly and finally settled, even if not expressly so mentioned or referred to herein. It is accordingly understood and agreed by the Union that no dispute/demand/claim/ or any amendment preferred on the Standing Orders or any other dispute or difference shall be pressed or raised hereafter on matters contained in this settlement or on matters incidental thereto or on related areas.

16.0 Both parties agree that respecting this mutual accord, there shall be joint effort of the parties to instil discipline in the industry, to augment production and productivity, to eliminate wastage and to avoid confrontation including as the case may be, strikes, go-slow, gherao, lockout and/or any form of coercive acts or unfair labour practice.

17.0 It is understood and agreed that the parties may jointly or severally move/approach, the concerned Court, Tribunal, Authority or the Government of India to treat all disputes/differences as existing on date as having been duly resolved and settled in terms of this settlement.

18.0 The parties agreed to submit the implementation report to the Assistant Labour Commissioner (Central) and conciliation officer, Bhubaneswar within a period of three months hereof, failing which the terms of the settlement will be deemed to have been fully implemented.

#### GIST OF ANNEXURES TO THIS SETTLEMENT :

- I. Catalogue of claims, disputes, difference, etc.
- II. List of employees entitled to promotion under Para 2.
- III. List of compassionate appointees.
- IV. Statement of leave due and credited.
- V. List of employees entitled to increment under para III.
- VI. List of casual workers under reference under Para 11.

Dated this 12th Day of January one thousand nine hundred and ninety four.

#### SIGNED BY THE EMPLOYER

Sd./-  
(N. R. NAIR)

Sd./-  
(R. K. RAMANATHAN)

Sd./-  
(D. ROUT)

Witness :

Sd./-  
(D. GARNAIK)

Sd./-  
(S. B. PANIGRAHI)

#### SIGNED BY THE WORKMEN :

Sd./-  
(B. NAYAK)

Sd./-  
(A. K. CHOUDHURY)

Sd./-  
(B. SATAPATHY)

Sd./-  
(B. KESHAB RAO)

Sd./-  
(S. P. MISHANTY).

N. C. SARANGI, Asstt. Labour Commissioner (Central) & Conciliation Officer, Bhubaneswar.

[File No. 8(1)/94-BBS/B]

Dated : Bhubaneswar, the 12-1-1994.

#### Annexure I

#### DISPUTES PENDING BEFORE VIA INDUSTRIAL TRIBUNAL : ORISSA : BUBNASWAR

Sl. No.	Case No.	Subject	Remark
1	2	3	4

1. ID 15/91(C) 1. Whether the demand of the Rare Earths Employees' Union for the workmen of GSCO & IRK LTD, Charpur that they should be placed in their entitled grades as per their designation comparing with other Units of IRK and the workmen should be compensated with their loss in grades and other benefits from the year 1981 is justified. If so, to what relief they are entitled to ?
2. whether the demand of Rare Earths Employees Union that the workmen of CSCOM shold be paid arrears in respect of adhoc increase for different grades with effect from 1.7.81 is justified. If so, to what relief the workmen are entitled to and from which date?
3. Whether the demand of Rare earths Employees Union for house rent for the workmen of OSCOM @15% of the basic salary subject to Rs.400/- maximum at per with other units of IRE instead of @1/2% of the basic salary subject to Rs. 200/- & other allowances & frings benefits mentioned in demand No. 11 of the charter of demands is justified. If so, to what relief the workmen are entitled to ?

1	2	3	4	1	2	3	4
2.	ID-12/92 (C)	whether the action of the management of IRE Ltd., is justified in not granting EL to the employees who were appointed as trainees in their (Mining) establishment for the training period? if not, to what relief they are entitled to?		9.	ID-30/92(C)	whether the action of the IRE Lt., (OSCOM), Chatrapur management is justified in not regularising Sri J.K. Sahu Operator after completion of one year service like other trainees. If not to what relief the employee is entitled to?	
3.	ID-13/92(C)	whether the action of the management of IRE Ltd, Chatrapur is justified in not granting regular scale to Smt. Sashi Behera who was appointed on compassionate ground from the date for his appointment? If not to what relief the workmen is entitled to?		10.	ID-31/92(C)	whether the action of the IRE Ltd., (OSCOM), Chatrapur management is justified in not regularising Sri Y. Chitti Babu after completion of one year service like other trainees. If not, to what relief the employees is entitled to ?	
4.	ID-14/92(C)	whether the action of the management of IRE Ltd, Chatrapur is justified in not granting regular scale to Smt. Nirmala Padhy who was appointed on compassionate ground from the date of his appointment? If not to what relief the workmen entitled to?		11.	ID-32/92(C)	whether the action of IRE Ltd.; (OSCOM) Unit Chatrapur is justified in granting 12 days festival leave to its employees when it is granting 16 days holidays at its Bombay Unit? If not to what relief the workmen are entitled to?	
5.	ID-15/92(C)	whether the action of the management of IRE Ltd., Chatrapur is justified in not granting a regular scale to Sri Dinabandhu Patra who was appointed on compassionate ground from the date of his appointment? If not what to relief the workmen is entitled to?		12.	ID-33/92(C)	whether the action of the IRE Ltd., (OSCOM), Chatrapur management is justified in not regularising Sri M.K. Padhi, optr. after completion of one year service like other trainees. If not to what relief the employees is entitled to?	
6.	ID-16/92(C)	whether the action of the management of IRE Ltd., Chatrapur is justified in not granting a regular scale to Aslam Alli who was appointed on compassionate ground the date of his appointment? If not to what relief the workmen is entitled to?		13.	ID-34/92(C)	whether the action of the IRE Ltd., (OSCOM), Chatrapur management is justified in not regularising Sri N.K. Mohapatra after completion of one year service like other trainees. If not to what relief the employee is entitled to?	
7.	ID-17/92(C)	whether the action of the management of IRE Ltd., Chatrapur is justified in not granting regular scale to Sri Ghanshyam Sahu who was appointed on compassionate ground from the date of his appointment? If not to what the workmen is entitled to?		14.	ID-35/92(C)	whether the action of the IRE Ltd., (OSCOM), Chatrapur management is justified in not regularising Sri L.N. Mishra, Optr. after completion of one year service like other trainees. If not to what relief the employees is entitled to?	
8.	ID-29/92(C)	whether the action of the IRE Ltd; (OSCOM) Chatrapur management is justified in not regularising Sri P.K. Behera trainee ? If not to what relief the employee is entitled to ?		15.	ID-36/92(C)	whether the action of the IRE Ltd., (OSCOM), Chatrapur management in justified in not regularising Sri P.K. Sahu, Opter. after completion of one year service like other trainees. If not to what relief the employee is entitled to?	

1	2	3	4	1	2	3
16.	ID-37/92(C)	whether the action of the IRE Ltd, (OSCOM), Chatrapur management is justified in not regularising Sri Brundavan Behera after completion of one year service like other trainees. If not to what relief the the employee is entitled to?		23.	ID-13/93(C)	whether the action of the man- agement of Indian Rare Earths Ltd. is justified in not granting E.L. to the empl- oyees who were appointed as trainees in their (Mining) establishment for the training period? If not, to what re- lief they are entitled t.?
17.	ID-38/92(C)	whether the action of the IRE Ltd, (OSCOM), Chatrapur management is justified in not regularising Sri K. Sudhakar Rao after com- pletion of one year ser- vice like other trainees. If not to what relief the em- ployee is entitled to?		24.	Number to be communi- cated by the Tribunal.	whether the action of the man- agement Indian Rare Earths Ltd, is justified in not granting E.L. to the employees who were appointed as trainees in their (Mining) establishment for the training period? If not, to what relief they are en- titled to?
18.	ID-39/92(C)	whether the action of the management of IRE Ltd, is Justified in not granting EL/ AL to the ten employees as per list attached herewith. If not what relief they are entitled to?		25.	-do-	whether the claim of Rare Earths Employees' Union that the management of Indian Rare Earths Ltd. was not justified in denying credit of earned leave annual leave to S/Sri Shankar Patra & 13 others as per list enclosed in the ratio of 1 : 11 for the training period is justified ? If so, that relief are the workmen entitled to?
19.	ID-40/92(C)	whether the action of the IRE Ltd, (OSCOM), Chatrapur management is justified in not regularising Sri B. radhan after completion of one year service like other tra- ineess. If not to wnat re- lief the employees is en- tilled to?		26.	-do-	whether the action of the man- agement of IRE Ltd.; is justified in not paying equal wages as that of a regular employees to the casual labourers namely Sri P.C. Padhee and 8 others as per list engaged by them from 1981? If not, to what relief they are entitled to ?
20.	ID-1/93(C)	whether the action of the ma- nagement of Indian Rare Earths Ltd. is justified in not granting E.L. to the employees who were ap- pointed as trainees in their (Mining) establishment for the trianing period? If not, to what relief they are entitled to?		27.		whether the action of the managoment justified in with- drawing the advance increment already granted to Shri J. Dhal, K.D. Operator at the time of appoioitment, If not to what relief he is enti- tled to?
21.	ID/2/93(C)	whether the action of the management of Indian Rare Earths Ltd, is justified in not granting E.L. to the employees who were appoin- ted as trainees in their (Mining) establishment for the training period? If not, to what relief they are entitled to?		28.	-do-	whether the action of the man- agement of Indian Rare Earths Ltd; is justified in withdraw- ing the advance increment already granted to Sri Y. Pati, K.D. Operator at the time of appointment. If not, to what relief he is entitled to ?
22.	ID-6/93(C)	whether the action of the management of Indian Rare Earths Ltd, is justified in not granting E. L. to the employees who were ap- pointed as trainees in their (Mining) Estt. for the trainig period ? If not to what relief they are entit- led to ?		29.	-do-	whether the action of the man- agement is justified in with- drawing the advance in- crements already granted

to Sri N. sehera at the time of appointment. If not, to what relief he is entitled to?

It is agreed to drop/with draw further disputes on this and other related areas to be communicated by the Industrial Tribunal, Orissa, Bhubaneswar.

Sl. N.	FOC report No. & Date	Subject
1	2	3
1.	No. 8(96)/91-BBS/B dtd. 30-9-92.	I. D. between the management of Indian Rare Earths Ltd., Chatrapur & their Union over the matter relating to computation of Earned/Annual Leave of workmen & depriving him from encashment of facility. (Sri K. C. Behera & 26 others).
2.	No. 8(55)/91-BBS/B dtd. 22-10-92.	I. D. between the management of IRE Ltd. Chatrapur & their Union over the matter relating to Computation of Earned/Annual Leave of workmen & depriving them from encashment of facility. (Sri. B. Sarathi & 36 others).
3.	No. 8(193)/91-BBS/B dtd. 31-12-92.	ID between the management of IRE Ltd; Chatrapur & their Union over the matter relating to computation of Earned/Annual Leave of workmen & depriving him from encashment of facility. (Sri Basudev Sethi & 11 others.)
4.	No. 8(130)/91-BBS/B dtd. 21-1-93	ID between the management of IRE Ltd. Chatrapur & their Union over the matter relating to computation of Earned/Annual Leave of workmen & depriving him from encashment of facility. (Sri S. N. Satapathy & 7 others)
5.	No. 8(162)/92-BBS/B. dtd. 26-2-93.	ID between the management of IRE Ltd; Chatrapur & their Union over the matter relating to computation of Earned/Annual Leave of workmen & depriving them from encashment of facility. (Sri K. Behera, Security Guard & 11 others).
6.	No. 8(283)/91-BBS/B. dtd. 31-3-93.	ID between the management of IRE Ltd; Chatrapur & their Union over the matter relating to computation of Earned/Annual Leave of workmen & Depriving them from encashment of facility. (Sri D. Patnaik & 18 others).
7.	No. 8(160)/91-BBS/B. dtd. 30-4-93.	ID between the managoment of IRE Ltd; Chatrapur & their Union over the matter

relating to computation of Earned/Annual Leave of workmen & depriving them from encashment of facility.  
(Sri P. K. Nayak, Sweeper & 5 others.)

8. No. 8(253)/91-BBS/B. ID between the management of IRE Ltd; Chatrapur & their Union over the matter relating to computation of Earned/Annual Leave of Sri Baran Naik, C. No. 2075 & 12 others (Security Guards) & depriving them from encashment facility.
9. No. 8(251)/91-BBS/B. ID between the management of IRE Ltd; Chatrapur & their Union over the matter relating to computation of Earned/Annual Leave of Sri Surendra Pradhan & 16 others (Unskilled Workers) & depriving them from encashment facility.
10. No. 8(192)/91-BBS/B. ID between the management of IRE Ltd; Chatrapur & their Union over the matter relating to computation of Earned/Annual Leave of Sri B. Naik & 4 others (USWs) & depriving them encashment facility.
11. No. 8(356)/91-BPS/B. ID between the management of IRE Ltd; Chatrapur & their Union over the matter relating to computation of Earned/Annual Leave of workmen & depriving them from encashment facility.  
(Sri A. K. Das & 8 others).
12. No. 8(344)/91-BBS/B. ID between the managenent of IRF Ltd. Chatrapur & their Union over the matter of computation of Earned/ Annual Leave of workmen & depriving them from encashment of facility.  
(Sri A. K. Das & 4 others.)
13. No. 8(307)/91-BBS/B. ID between the management of IRE Ltd; Chatrapur & their Union over the matter relating to computation of Earned/Annual Leave of workmen & depriving him from encashment of facility.  
(Sri B. K. Behera & 14 others).
14. No. 8(5)/92-BBS/B. ID between the management of IRE Ltd. Chatrapur & the Union over the matter of non-regularisation of service of Sri Bipra Naik, Laxman Behera (B) & Mohan Ch. Das.

1	2	3
15. No 8(7)/92-BBS/B. dtd. 28/30-6-93.	ID between the management of IRE Ltd; (USCOM) Chatrapur & their workmen represented by the RAE Union over non-regularisation of service of Sri K. Narayan, Driver, Card No. 5 & Sri M. Mohan Rao, USW, Card No. 56 & non-payment of wages at par with the regularly employed employees of corresponding cadre in the same establishment	
16. No. 8(387)/91-BBS/B. dtd. 29-10-93.	ID between the management of IRE Ltd. (VSCOM) Chatrapur & their workmen represented by RAE Union over claiming same salary/ wages payable to the employees in the regular cadres from the date of their employmennt in the IRE Ltd; & other conditions of service basing on doctrine of equal pay for equal work & paid off day. (Sri Gangadhar Sahu, USW & 9 others).	
17. No. 8(175)/91-BBS/B. dtd. 8-10-92.	ID between the management of IRE Ltd. Chatrapur & President IRE Employees Coop. Stores Ltd. U(SCOM) & represented through the General Secretary, RAE Union in the matter of non-payment of minimum wages from 1-4-84 to 30-9-88 as declared by the Ministry of Labour, Govt. of India, New Delhi.	
18. No. 8(159)/91-BBS/B. dtd. 11-11-92.	ID between the management of IRE Ltd. Chatrapur & their workmen represented by the Rare Earths Employees Union over 9 points demand.	

It is also agreed to drop/withdraw further disputes on this and other related areas likely to be referred before Industrial Tribunal, Orissa, Bhubaneswar for adjudication.

**ASST. LABOUR COMMISSIONER (C) CUM-CONSILITON [CYCKES [: ORI A [: BHUSHNESHWER**

- Violation of clause-21(c) of the certified Standing Orders All caswes (unjustified suspension without wages as a measure of punishment-balance payment released under intimation to AIC (C), Bhuneshwar.
- Violation of clause-21(e) of the Certified standing Oredrs, (Director warning to Sri B. K. Sans, Operator without framing chargesheet.
- Alleged non-payment of TA/DA to the President General eceretary of REE Union for attending Conciliation/A-judication.

- Alleged discrimination in compensationate (Appointment to be made directly in the grade from the date of joning as done in the case of Sri M. K. Padhal, SCT).—All pending at Conciliation.
- Alleged non-implementation of item 6 of bipartite agreement dt. 9-8-86. (finalisation of promotion policy).
- Alleged irregularity in extension of training period beyond 12 months—All cases— Pending at Consilisation.
- Alleged illegal deduction of wages during the period of stay-in-strike from 29-11-90 to 17-12-90 —All at Conciliation.
- Alleged discrimination in violation of section-9(a) of I. D. Act for withdrawal of Hire Purchase Loan.
- Alleged discrimination in fixation of pay (Fitment formula at the time of revision)—All cases (Increment given a the time of recruitment has not been protected at the time of promotion/revision).
- Computation of Annual/Earned Leave for the employees for the period of their training/daily wagez appointment
- Alleged discrimination in apppointment of Sri P. G. K. Rao, Auro Mech. in lower grade. (In compatrsion to Sri G. P. Reddy, Auto Elect.).
- Alleged discrimination in promotion of :
  - Sri B. C. Sahu, Compounder.....
  - Sri Laxman Patnaik & Sri A. Pradhan, Jr. Drivers
- Equal pay for equal work to the Casual Workers for the period from 1981 till the date of regularisation.
- Regularisation of 4 casual workers effective 31-10-91 as per the directive of I. T. In I. D. Case No. 15/89(C).
- Unfair labour practice in respect of the Casual Workers.
- Dispute over L. T. Settlement effective 1-7-1989.
- Regularization of Sri A. Sanjeev Rao, Tractor Driver (Casual).
- Equal pay for equal work to Jr. Time Keeper—All cases.
- Alleged non-implementation of point No. 39 of bipartite agreement dtd. 9-8-86.
- Alleged non-implementation of point no. 18 of the Tripartite settlement dtd. 8-8-90 with regard to Gradation & Promotion Policy.
- Alleged withdrawal of increments granted to Sri Daya wages nich Nayak, Km. Operator & Sri D. D. Pand, P. dar Operator at the time of recruitmmt
- Alleged unfair labour practice with regard to treatment of Unions by the management.
- Alleged discrimination in giving promotion to Sri A. K. Chudhury, Ex-Sr. Clerk/Typist.
- Alleged dispure relating to keeping Sri Balaji Rout, Casual workmen )ndor forced un-employment.
- Alleged dispure relating to non-regularisation of service & non-payment of wages to Sri Balaji Robt, Casual workman.

It is also agreed to drop/withdraw furtoer disputes on this matter and other related tress pending before the Conciliation Officer, Orissa, Bhubuneswar.

**PROPOSALS MADE BY UNION FOR AMENDMENT  
OF CERTIFIED STANDING ORDERS & PENDING  
BEFORE REGIONAL LABOUR COMMISSIONER(C)-  
CUM-CERTIFYING OFFICER, ORISSA: BHUBH-  
NESHWAR**

**CLAUSE-17 (a) :** Every workman as defined in Clause No. 3 of Certified Standing Orders will be entitled to leave with wages in accordance with the provisions contained in Mines Act 1952 or Factories Act 1948 or as per the prevailing practice from time to time and other holidays in accordance with law, contract, custom and usage.

**CLAUSE-17 (iv) :** Sixteen Festival Holidays shall be observed during a calendar year of which Republic Day, May Day, Gandhi Jayanti and Independence Day are compulsory. Least twelve days are to be notified at the beginning of the year on the notice board in consultation with the Union.

**ANNEXURE II**

**LIST OF EMPLOYEES ENTITLED FOR PROMOTION  
UNDER PARA-2**

Sl.No.	Name	Designation	Code No
1.	2.	3.	4.

S/Shri

1.	Amanta Maharana	Carpenter	3068
2.	Sibaram Bohera	Wireman	3013
3.	D.S. Majhi	Fitter	3041
4.	R.C.Patnaik	-do-	3042
5.	Bhubani Behera	Mason	3073
6.	B.K.Patnaik	Auto Mechanic	3076
7.	R.P.M.Patnaik	Electrician	3050
8.	D.S.Mahapatra	-do-	3051
9.	K.B.R. Acharya	-do-	3052
10.	G.P.Paichha	-do-	3053
11.	B.K.Bohera	-do-	3054
12.	I.Prakash Rao	-do-	3055
13.	G.A.Behera	-do-	3056
14.	H.M.Acharya	-do-	3062
15.	B.K.Patnaik	Machine Operator	3059
16.	A.K.Sethi	-do-	3060
17.	Bhaskar Jena	-do-	3063
18.	R.C.Gauda	Plumber	3045
19.	Simanchal Sethi	-do-	3100
20.	Venkateswar Patnaik	Machine Operator	3064
21.	N.C. Jena	Auto Electrician	3106
22.	Trinath Nayak	Tool Room Attdt.	3044
23.	M.K.Patnaik	Fitter	3057
24.	L.K.Choudhury	-do-	3058

1	2	3
25. B.B.Sahu	Air Cond. Mechanic	3115
26. Somanath Maharanan	Carpenter	3116
27. S.C.Maharanan	Welder	3087
28. A.M.Maharanan	Air.Com. Mech/Optr.	3233
29. Trilochan Rath	Inst. Mech.	3234
30. S.K.Sahu	-do-	3282
31. R.C.Padhy	Hydraulic Mech	3289
32. H.B. Swain	Control Panel Ootr.	3307
33. Prafulla Panda	Winder	3322
34. C.Sankar	Machine Operator	3097
35. Dominic Dung Dung	-do-	3098
36. N.K.Gopal Krishnan	Air Cond. Mech.	3329
37. P.K.Choudhury	Welder	3107
38. R.K.Das	Pump.Optr.Gr-II	3386
39.S.C.Patnaik	Optr(Dredgn)	3385
40. Jagannath Dash	Fitter	3403
41. K.C.Pradhan	Fitter	3402
42. K.N.Mahankuda	Operator	3226
43. M.K.Sethi	-do-	3223
44. P.C.Behlera	-do-	3224
45. Ganesh Patre	-do-	3225
46. Madhusudan Sabu	Electrician	3409
47. B.R.Mohanty	-do-	3412
48. M.K.Patro	-do-	3419
49. S.K.Mohanty	-do-	3421
50. B.P.Panda	Operator	3423
51. T.P.Sahu	Electrician	3425
52. S.K.Sahu	Operator	3426
53. S.C.Mishra	Electrician	3427
54. A.K.Jena	Operator	3232
55. B.C.Rana	Electrician	3436
56. R.C.Pa.naik	-do-	3437
57. G.C.Behlera	-do-	3438
58. P.K.Panda	Inst. Mech.	3305
59. K.C.Sahu	Operator (Dredgs)	3298
60. Y.Kali Das	Fitter	3286
61. Upendra Sahu	Operator	3293
62. Digambar Behera	-do-	3296
63. S.K.Rath	-do-	3302
64. S.K.Behlera	-do-	3306
65. W.Koteswar Rao	Electrician	3308
66. Eswar Behera	Operator	3303
67. U.N. Singh	Control Panel Optr.	3312
68. P.K.Sethi	Operator	3314
69. Kurma Kudraka	Electrician	3315
70. T.Balaran	Fitter	3317
71. S.S.Sahu	Operator	3320
72. Narayan Nayak	-do-	3283
73. Kahiraj Sathi	-do-	3290
74. R.N.Sahu	Winder	3468
75. S.K.Mohanty	Welder	3469
76. K.C.Maharana	Welder	3470
77. N.Rama Rao	Com.Optr. Cr-II	3480

1	2	3	4	1	2	3	4
78.	Balaram Pradhan	EOT Crane Opr/Mech.	3479	132.	P.K. Mohapatro	K/D. Opr.	3594
79.	B.C. Bebera	Welder	3478	133.	Y. Chitti Babu	Optr.	3408
80.	C.Visia Kumar	Jr. Draughtsman(Mech)	3482	134.	Gangadhar Sahu	-do-	3442
S/Shri				135.	Dandapani Sahu	-do-	3443
81.	L.N. Mishra	Operator	3294	136.	P.C. Mahapatra	-do-	3444
82.	P.K. Saha	-do-	3295	137.	R.K. Panda	-do-	3445
83.	B.K. Sanual	-do-	3299	138.	M.K. Sasnal	-do-	3447
84.	K. Sudhakar Rao	-do-	3300	139.	Govinda Maharana	-do-	3449
85.	B.B. Patro	-do-	3327	140.	S.M. Sahu	-do-	3451
86.	S.C. Das	-do-	3330	141.	S.P. Das	-do-	3452
87.	M.K. Maharatha	-do-	3334	142.	S.P. Panigrahi	-do-	3453
88.	P.K. Patnaik	-do-	3287	143.	Lombodar Panda	-do-	3455
89.	Raghbab Behera	-do-	3238	144.	K.C. Panda	-do-	3456
90.	Kura Sethi	-do-	3291	145.	S.C. Nanda	-do-	3457
91.	Upendra Behera	-do-	3304	146.	H.C. Dao	-do-	3458
92.	Bhagaban Marandi	Welder	3494	147.	B.B. Das	Inst. Mech	3595
93.	S.K. Bindhani	Fitter	3486	148.	Bhagirathi Maharana	K/D Operator	3596
94.	U.N. Swain	Comp. Optr. Gr-II	3497	149.	Nabaghan Sethi	Fitter	3597
95.	J.D. Buriuli	Fitter	3498	150.	R.M. Maharana	-do-	3598
96.	Brundaban Pradhan	Operator	3309	151.	Sudarsan Das	K/D Operator	3601
97.	D. Babu Rao	-do-	3336	152.	L.K. Dalai	-do-	3603
98.	R.K. Parichha	Electrician	3337	153.	P.C. Maharana	-do-	3605
99.	Naraayan Choudhary	Operator	3338	154.	B.B. Senapati	Fitter	3607
100.	G.C. Sethi	-do-	3311	155.	D.N. Das Mahapatra	-do-	3608
101.	R.C. Saha	Fitter	3510	156.	Nrupamani Pradhan	-do-	3609
102.	P.K. Behera	Operator	3328	157.	D.B. Patro	Boiler Addtd.	3614
103.	Ramahari Sahu	-do-	3331	158.	G.C. Patro	Fitter	3621
104.	R.C. Ranigrahi	Electrician	3384	159.	K.C. Nayak	-do-	3623
105.	K.C. Jena	Operator	3292	160.	S.K. Samal	Inst. Mech.	3465
106.	P. Raj Gopal	Air Comp. Mech.	3544	161.	P.R. Padhi	Operator	3466
107.	Trinath Parida	Boiler Attdt.	3549	162.	B.R. Mishra	-do-	3467
108.	Prabhakar Panigrahi	Plastic Work Meh.	3557	163.	S.C. Behera	K/D Optr.	3624
109.	Harihar Sahu	Operator	3404	164.	N.A. Murty	Fitter	3626
110.	R.C. Nahak	-do-	3405	165.	M.C. Das	-do-	3627
111.	P.J. Rao	Fitter	3410	166.	D.C. Pradhan	Auto/Service Mech	3446
112.	B.B. Mishra	-do-	3415	167.	G.C. Jena	-do-	3650
113.	B. Mahapatra	-do-	3418	168.	C.R. Mohanty	Operator	3335
114.	K.K. Samania	-do-	3411	169.	S.S. Prasad	-do-	3471
115.	P.C. Panda	-do-	3413	170.	R.C. Dalai	-do-	3472
116.	Aurobinda Mahapatra	-do-	3416	171.	P.C. Saha	-do-	3473
117.	R.N. Mishra	-do-	3417	172.	Debananda Behera	-do-	3474
118.	S.K.P. Yadav	Boilder Attdt.	3556	173.	L.K.C. Behera	-do-	3475
119.	P.K. Mahapatra	Electrician	3565	174.	Ch. R.N. Patro	-do-	3476
120.	Palnanab Pradhan	-do-	3566	175.	N.C. Mahapatra	-do-	3481
121.	Raghuraj Padhi	-do-	3567	176.	Suresh Jena	-do-	3483
122.	A.V. Raman	Fitter	3420	177.	S.K. Sahu	-do-	3487
123.	Bidyadhar Patro	Control Boon Attdt.	3431	178.	Trilochan Maharana	-do!	3489
124.	K.C. Sahu	Eletrician	3435	179.	Brundaban Behera	-do-	3446
125.	P.K. Mahapatra	Fitter	3422	180.	Simanchal Padhi	-do-	3450
126.	Maheswar Pariohha	Control Room Addadt.	3430	181.	P.C. Maharana	Fitter	3501
127.	P.K. Patnaik	Electrician	3568	182.	Abhiram Sahu	-do-	3502
128.	Mohan Pothal	-do-	3569	183.	B.K. Patro	-do-	3505
129.	P.K. Choudhary	-do-	3570	184.	K.C. Padhi	Operator	3506
130.	Sibaram Sahu	-do-	3575	185.	R.C. Jena	-do-	3507
131.	P.C. Mohanty	Fitter	3593	186.	S.P. Mohanty	-do-	3509

1	2	3	4	1	2	3
187. B.N. Das	Operator	3511		242. Vasudev Behera	Operator	3641
188. S. Ananda	-do-	3512		243. Bhaskar Naik	Optr (PP)	3643
189. S. Mohan Rao	-do-	3513		244. T.N. Samad	-do-	3644
190. Abhimanyu Sahu	-do-	3514		245. Kasinath Sahu	FO/RC Pump Optr.	3658
191. Dabendra Patnaik	-do-	3448		246. B.K. Behera	Operator	3622
192. N.C. Panda	Fitter	3503		247. A.K. Patnaik	FO/RC/Pump Optr	3657
193. Mohan Behera	-do-	3508		248. Prahalad Jena	Mill Wright Mech.	3716
194. N.J. Rao	PO/RC Pump Optr.	3656		249. P.C.K. Rao	Auto/Service Mech	3818
195. P.K. Jena	-do-	3659		250. A.K. Babu	Operator	3639
196. Srinivasa Parida	Inst. Mech	3660		251. N.K. Mahapatra	Electrician	3648
197. S.C. Pradhan	Control Room Addt.	3428		252. Ganeswar Majhi	-do-	3719
198. J.K. Sahu	-do-	3429		253. Bhutulu Khadia	-do-	3720
199. Sankarasan Sahu	Operator	3517		254. Bimbadhar Nayak	-do-	3721
200. M.K. Padhi	-do-	3488		255. Bana Paramanik	-do-	3722
201. M.B. Patnaik	-do-	3459		256. Y. Suman Kumar	Optr (PP)	3632
202. D.P. Padhi	-do-	3519		257. G.P. Reddy	Auto Electrician	3819
203. Dilleswar Jena	-do-	3524		258. G.K. Padhi	PO/RC Pump. Optr.	3726
204. M.R. Patro	-do-	3527		259. P.A. Behera	Inst. Mech.	3728
205. Niranjan Behera	-do-	3530		260. Pitambar Sahu	FO/RC Pump. Optr.	3730
206. A.K. Mahak	Boiler Attdt.	3141		261. B.N. Reddy	Fitter	3268
207. S.P. Maharana	Screen/Crusher Optr.	3537		262. R.K. Jani	Inst. Mech.	3731
208. Laxmidhar Mahatana	Refractory Mason	3723		263. S.S. Biswal	Optr (PP)	3732
209. Bhagirathi Padhy	Operator	3545		264. Lokanath Sahu	FO/RC Pump Optr	3734
210. Susanta Bebera	-do-	3547		265. P.K. Behera	Optr (PP)	3735
211. Rajeswar Kaka	Operator	3548		266. Biswanath Sahu	Fitter	3826
212. S.C. Mallick	Concentator Optr	3552		267. T. Prabhakar Rao	Welder	3827
213. S.K. Patnaik	Screen/Crusher Optr.	3562		268. M. Rao Prasad	Fitter	3828
214. K.C. Das	Electrician	3580		269. K. Baikunth Rao	-do-	3829
215. R.K. Panigrahi	-do-	3585		270. N.C. Sethi	-do-	3830
216. Sarathi Behera	Welder	3381		271. P.K. Sahu	-do-	3831
217. A.K. Maharana	-do-	3584		272. Ganesh Maharana	-do-	3833
218. Courhari Behera	Optr/Attdt.	3586		273. Udhbab Pradhan	-do-	3834
219. L.K. Bohera	-do-	3587		274. T.M. Rao	-do-	3836
220. A.K. Panda	Inst. Mech.	3729		275. Adikanda Das	Wireman	3160
221. Nadu Paik	Operator	3546		276. M. Polli Raju	Fitter	3838
222. B.K. Sahoo	Fitter	3610		277. H.K. Sahu	Inst. Mech.	3812
223. Sudhanan Mohanty	-do-	3611		278. U.N. Behera	Welder	3814
224. C.D. Behera	Optr/Attdt.	3589		279. Sahadev Sahu	Inst. Mech.	3816
225. Narayan Marandi	Fitter	3599		280. Gopinath Bhoi	Welder	3817
226. K.C. Behera	-do-	3600		281. P.K. Behera	Electrician	3850
227. J.K. Panda	-do-	3602		282. B.N. Bahera	Optr (M.B.)	3821
228. A.M. Patnaik	-do-	3604		283. D.B. Patro	-do-	3844
229. S.C. Das	Operator	3618		284. Niranjan Behera	Jr. Draughtman (Mech)	3837
230. Y. Keshava Rao	-do-	3612		285. Ganguram Majhi	Electrician	3849
231. B.K. Sethi	-do-	3616		286. Meenaketan Patnaik	Optr.	3740
232. Adikanda Nahak	Optr (PP)	3628		287. Sanatan Jena	-do-	3794
233. T. Gopal Reddy	Operator	3631		288. K. Sashgiri Rao	-do-	3757
234. K.C. Sahu	-do-	3634		289. Mochiram Gouda	-do-	3764
235. B.K. Padlik	-do-	3637		290. P.C. Nayak	-do-	3780
236. Om Prakash Patro	-do-	3642		291. C.R. Sahu	Fitter	3807
237. S.K. Jena	Electrician	3651		292. Narayn Mohanty	Welder	3752
238. K.S.N. Das	-do-	3652		293. Rabindranath Behera	Operator	3870
239. Bidhan Nai	Fitter	3629				
240. Panchanan Sethi	Optr (PP)	3630				
241. B.K. Sana	-do-	3635				

TABLE III

## LIST OF COMPASSIONATE APPOINTEES

A. Those who were on daily wages/Monthly consolidated stipend service for less than six months.

1. Smt. Nirmala Padhy, Code No. 06-W/3852, Office Attendant.
2. Shri Ghan Syam Sahu, Code No. 06/w-3854, Unskilled Worker.
3. Shri J. Ravi, Code No. 08/W-3853, U.S.W.
4. Shri Deenabandhu Patro, Code No. 08/W-3844, Operator (MS)

B. Those who were on daily wages service for six months and more.

1. Smt. Sasi Behera, Code No. 08/W-3846, Sweeper-cum-Attendant.
2. Shri S.K. Aslam Ali, Code No. 08/W-3851, U.S.W.

Sl. No.	Name	Code No.	Calcu- lated leave with wages
1	2	3	4

## Sarbashree

01. Lokenath Behera
02. Trinath Behera,
03. T. Ch. Das
04. K. Ch. Patnaik
05. P.K. Ranasingh
06. Narahari Pandit
07. Brajmohan Sahu
08. B. Kamaraju Reddy
09. Gadadhar Behera
10. Sibaran Sahu
11. D.S. Majhi
12. R.C. Patnaik
13. R. Ch. Gaudio
14. Trinath Nayak,
15. M.K. Patnaik
16. L.K. Choudhury
17. Meenaketan Patnaik
18. Sanatan Jena
19. K. Seshgiri Rao
20. Mochiram Gaudio
21. P. Ch. Nayak
22. C.R. Sahu
23. S.A.R. Reddy
24. Ramai Tudu
25. B.N. Reddy
26. Adikanda Das

1	2	3	4
27. Narayan Mohanty		3752	15
28. M. Panigrahi		2055	15
29. D.B. Pradhan		3137	58
30. B.D. Behera		2090	16
31. H.K. Behera		3247	18
32. Upendra Rath		2024	19
33. N. Patro		3206	15
34. A.K. Raulo		3208	15
35. Kampo Behera		3126	73
36. Narahari Behera		3147	50
37. P. Pradhan		3150	50
38. C.P. Naik		3151	50
39. C.P. Pradhan		3152	50
40. Raghu Pradhan		3154	50
41. Lakshan Pradhan		3155	50
42. K.N. Das		3159	50
43. Jogi Nayak		3162	45
44. T.D. Behera		3153	50
45. Arjuna Sahu		3166	45
46. R.R. Reddy		3124	73
47. Bharat Sahu		3128	73
48. A. Panda		3133	63
49. T.S. Reddy		3138	54
50. Godabari Behera		3139	54
51. R. Ananda		3140	56
52. B.P. Swamy		2005	55
53. Sahadev Behera		3142	51
54. D. Moharana		3161	46
55. Somanath Sahu		3163	45
56. Dilli Behera		3167	45
57. H.B. Panda		3169	45
58. S. Manawar Ali		3171	49
59. K. P. Behera		3179	14
60. Prabhakar Behera		3189	13
61. J. Sabar		3190	13
62. S.C. Gomango		3193	11
63. N.B. Mallik		3203	15
64. G.I. Ganesh		2006	46
65. B. Gopinath		2007	46
66. R. Khandesh		2008	46
67. N. Purushottam		2010	53
68. S.K. Reddy		2012	49
69. R. Jagaya		2015	48
70. G.C. Pradhan		2030	49
71. Hari Pradhan		2014	48
72. B.D. Nayak		3173	04
73. N. Patnaik		3267	14
74. S.K. Khillar		3213	08
75. S.S. Reddy		3130	73
76. S. Eenkat Reddy		3145	50
77. Mohan Behera		3146	50
78. Bharat Sabar		3181	14
79. Madhab Sabar		3182	42
80. K.B. Thappa		3170	50
81. Trilochan Behera		3198	15

1	2	3	4	1	2	3
		3202	16	137. Doctor Nayak		3263
N. abar		3205	14	138. A. Hari Reddy		3269
83. J. Rama Rao		3177	18	139. J. Panigrahi		3270
84. M. Devaraj		3178	14	140. D. Gureya		3273
85. U.K. Sahu		3180	14	141. N. Patro		3274
86. R.C. Raul		3185	11	142. B.B. Patnaik		3275
87. N.K. Patnaik		3188	11	143. S.N. Rauto		3341
88. Nataban Pradhan		3191	13	144. B. Rama Murty		3343
89. B.C. Pradhan		3192	13	145. B.C. Nayak		3342
90. Cobardhan Behera		3214	06	146. C.S. Barik		3344
91. B. Appa Rao		3199	16	147. P.C. Behera		3345
92. S.N. Tripathy		3200	16	148. S.K. Dalai		3349
93. Prabhakar Nahak		3201	16	149. P.C. Nayak		3355
94. R.N. Nahak		3204	14	150. Badu Rana		3362
95. B.K. Panda		3172	45	151. G.S. Rao		3363
96. P. Sethi		3207	15	152. P. Ch. Sahu		3383
97. S.C. Nayak		3135	58	153. S.N. Sethi		3186
98. Bhagaban Behera		3216	14	154. Mangala Patro		3347
99. S. Panda		3237	18	155. D.D. Das		3360
100. Debaraj Behera		3238	18	156. Jogindra Behera		3378
101. B. Behera		3249	18	157. Kabiraj Lenka		3255
102. Ulla Behera		3252	18	158. M.M. Behera		3141
103. D.P. Nayak		3253	18	159. Daitari Sethi		3576
104. R.N. Sabar		3257	18	160. Govinda Sethi		3577
105. D.B. Patro		3258	16	161. P. Ch. Sethi		3666
106. Sankar Patro		3264	14	162. S. Pradhan		3667
107. B.D. Bhoi		3271	14	163. P.K. Rao		3669
108. U.C. Behera		3350	15	164. D.P. Nayak		3670
109. Chaitanya Das		3352	15	165. Laxman Behera		3671
110. Dharama Pradhan		3354	15	166. B.K. Sethi		3673
111. Jaya Pradhan		3356	15	167. Debaraj Behera		3674
112. B.C. Behera		3359	15	168. G.R. Gomango		3677
113. K. Behera		3361	15	169. B.R. Naik		3679
114. Damador Raju		3366	15	170. N. Patro		3681
115. P.C. Sabar		3368	13	171. B.N. Behera		3682
116. Keshaba Behera		3370	13	172. Mitra Behera		3683
117. D.D. Behera		3371	13	173. S.S. Behera		3684
118. S. Pradhan		3372	13	174. Trinath Das		3685
119. Suresh Behera		3373	13	175. Moheswar Das		3686
120. B.K. Nayak		3374	13	176. D.P. Sethi		3687
121. M.R. Sethi		3375	13	177. Bisa Pradhan		3693
122. Satrughan Nayak		3379	13	178. Surendra Naik		3695
123. H.B. Behera		3380	13	179. P.C. Behera		3697
124. Abhiram Behera		3382	13	180. R.C. Nayak		3698
125. Dheneswar Behera		3236	18	181. Panchu Sethi		3699
126. B.K. Mitra		3240	18	182. U.N. Behera		3700
127. S.N. Padhi		3241	18	183. Bauri Pradhan		3701
128. J. Behera		3243	18	184. D. Behera		3704
129. T.V. Vasavan		3244	18	185. M.K. Naik		3707
130. S. Mohapatro		3246	18	186. K.N. Sethi		3708
131. S.B. Reddy		3248	18	187. Trinath Pradhan		3712
132. P. Pradhan		3250	18	188. B.C. Behera		3713
133. P.K. Mohapatro		3254	18	189. S. Behera		3748
134. B.N. Panda		3256	18	190. C.S. Sethi		3770
135. Jayadev Das		3259	16	191. Khadala Sethi		3717
136. B.N. Patro				192. J. Ravi		3853
						05

1	2	3	4	1	2	3	4
193.	D.P. Tripathy	3348	15	248.	Nirmala Padhi,	3852	05
194.	K.K. Pati	3578	14	249.	N.K. Reddy	2002	73
195.	S.N. Gaudio	3579	13	250.	C.P. Naik	2003	54
196.	D.D. Sahu	3737	15	251.	Trinath Behera	2020	20
197.	P. Ch. Mohanty	3738	15	252.	N.N. Mahankuda	2021	20
198.	Bhaskar Pradhan	3739	15	253.	Dcenabandhu Nayak	2023	20
199.	D. Behera	3741	15	254.	Arakhita Sahu	2025	19
200.	Prafulla Sasmal	3742	15	255.	P.N. Sahu	2027	19
201.	T.P. Reddy	3744	15	256.	S.N. Swain	2028	19
202.	P.K. Patnaik	3746	15	257.	A.Soniesekhar	2029	19
203.	Pramod Sahu	3747	15	258.	Bhikari Padhi	2031	19
204.	S.C. Panda	3749	15	259.	Basu Naik	2032	19
205.	S.C. Sahu	3751	15	260.	P.C. Rath	2036	15
206.	N. Mayak	3753	15	261.	Dilli Behera	2042	16
207.	P. Mohan	3754	16	262.	Trinath Nayak	2048	16
208.	K.C. Behera	3755	15	263.	Kasinath Behera	2049	15
209.	S. Moharana	3756	15	264.	Upendra Nayak	2056	15
210.	S.N. Behera	3759	15	265.	R.N. Behera	2057	15
211.	P.M. Das	3760	15	266.	Narayan Nayak	2059	14
212.	Madan Panda	3761	15	267.	Iswar Sethi	2061	11
213.	Bhagaban Parida	3362	15	268.	B.K. Samal	2041	16
214.	P.L. Mohanty	3763	15	269.	Magata Nahak	2045	16
215.	P.C. Nayak	3765	15	270.	N.Tarineya	2046	16
216.	Damburu Raulo	3869	15	271.	Trinath Behera,	2047	16
217.	S.N. Sahu	3771	15	272.	P.C. Risoyi,	2050	15
218.	C.I. Rao	3773	15	273.	A.K. Rana,	2051	15
219.	R.K. Sahu	3774	15	274.	Hari Bisoyi,	2052	15
220.	P.K. Nahak	3775	15	275.	Kantaru Naik,	2053	15
221.	S.M. Padhi	3776	15	276.	S.N. Satapathy,	2060	13
222.	P.K. Patnaik	3778	15	277.	B.K. Bradhan,	2069	18
223.	S.P. Samal	3781	15	278.	B.C. Panigraphy,	2063	15
224.	C.C. Mishra	3784	15	279.	Moheswar Bisoi,	2064	15
225.	Devaraj Das,	3785	15	280.	S.S. Behera,	2076	25
226.	Bhubaneswar sahu,	3789	15	281.	Trinath Patro,	2070	18
227.	N.K. Padhi,	3790	15	282.	Saranga Pradhan,	2083	16
228.	S.R. Moharana,	3791	15	283.	K. Pradhan,	2083	16
229.	G.S. Murty,	3792	15	284.	Haran Naik,	2075	25
230.	Bangali Beherra,	3793	15	285.	Kandha Behera,	2097	18
231.	S.Adinarayan,	3795	15	286.	P. Appa Rao,	2084	16
232.	S.C. Patro,	3797	15	287.	Ramahari Patro,	2088	16
233.	J.Satyanarayana,	3798	15	288.	M.D. Nahak,	2091	16
234.	Bhubana Raulo,	3801	15	289.	P. Chaneya,	2098	18
235.	Hiranya Sahu,	3802	15	290.	Krishna Nahak,	2099	18
236.	B.N. Rauto,	3804	15	291.	B.C. Moharana,	2100	18
237.	P.S. Rao.	3805	15	292.	Gundicha Naik,	2102	17
238.	Narahari Sahu,	3806	15	293.	K.M. Murty,	2108	18
239.	A.K. Mohapatro,	3808	15	294.	Mangulu Sethi,	2109	18
240.	A.V. Satyanarayana.	3811	15	295.	Lingaraj Behera,	2105	18
241.	G.Pandit,	3777	15	296.	K.N. Patro,	2103	18
242.	D.N. Satapathi,	3767	15	297.	R.R. Reddy,	2107	18
243.	A.K. Sahu,	3768	15	298.	Ekadasi Nayak,	2111	15
244.	D.K. Nayak,	3799	15	299.	B. Kesava Rao,	2114	15
245.	Narayan Rath,	3803	15	300.	S. Choudhury,	2115	15
246.	G.K. Sabat,	3809	15	301.	Govinda Nayak,	2118	19
247.	SK.Aslam Ali,	3851	14	302.	R. Bairagi,	2113	15
				303.	Kalia Raju,	3210	15

		1	2.	3	4.
304. Bhima Naik,	3211	14	360. J. Naik,	3711	15
305. Syamagnan Naik.	3260	16	361. Karlaya Sethi,	3714	15
306. Sashi Behera,	3846	15	362. Karmaraju Behera,	3716	19
307. R.V. Reddy,	3125	73	363. Aurobindo Sahu,	3750	15
308. B.R. Reddy,	3127	73	364. Sudaran Gouda,	3766	15
309. B. Appana,	3134	61	365. Jharmani Behera,	3780	15
310. Dhanu Pradhan,	3143	51	366. Rahendra Mishra,	3810	15
311. Lakhia Sabar,	3183	13	367. Madhab Patro,	3845	14
312. B.N. Nahak,	3187	13	368. Ghansyam Sahu,	3854	05
313. N. Harichandan.	3194	11	369. Anana Gouda,	2035	18
314. R.N. Das,	3242	18	370. A.d. Reddy,	2044	16
315. P. Dillu,	3245	18	371. S.K. Behera,	2087	16
316. Dibakar Behera.	3251	18	372. N. Choudhury,	2101	18
317. N. Maseenu,	3262	15	373. Bona Sehti,	2058	14
318. Laya Pradhan,	3266	14	374. P.K. Panigrahi,	2104	18
319. Bharat Das,	3346	15	375. Guru Pradhan,	2110	18
320. L.C. Rao,	3351	15	376. R.N. Behera,	2106	18
321. P.K. Choudhury,	3358	15	377. Duryo Behra,	2034	15
322. N.K. Jani,	3364	14	378. Basu Das,	2067	15
323. B.K. Patro,	3365	14	379. B.C. Reddy,	2112	15
324. T.N. Das,	3369	13	380. P.K. Maik,	3209	15
325. J. Behrea,	3377	13			
326. K.C. Panda,	3212	15			
327. D.N. Sethi,	3668	15			
328. Sayasi Behera,	3673	16			
329. D. Behera,	3690	15			
330. H.H. Behera,	3694	15			
331. Raghu Pradhan,	3696	15			
332. Bhima Das,	3702	15			
333. P.M. Behera,	3703	15			
334. Surendra Pradhan,	3672	16			
335. H.K. Madhi,	3675	16			
336. R. Nimai,	3676	16			
337. A.V.R. Rao,	3736	15			
338. N. Patnaik,	3743	15			
339. J.K. Patnaik,	3745	15			
340. K.C. Samantaray,	3758	15			
341. Rajuna Sahu,	3779	15			
342. Mangala Nahak,	3782	15			
343. B. Moharana,	3783	15			
344. Bhaskar Sahu,	3786	15			
345. S.B. Pundi,	3787	15			
346. Rajendra Sahu,	3800	15			
347. Narsingha Sahu,	3772	15			
348. B. Sashtri,	3239	18			
349. N. Naik,	3357	15			
350. R.K. Malik,,	3367	14			
351. R.K. Nayak,	3376	13			
352. Basudev Sethi,	3381	13			
353. J. Behera,	3665	16			
354. Debaraj Nayak,	3689	15			
355. B.N. Pradhan,	3691	15			
356. K.C. Pradhan,	3692	15			
357. Ganapati Naik,	3705	15			
358. Bansidhar Naik,	3709	15			
359. U.N.Das,	3710	15			

## ANNEXURE V

## LIST OF RIGGERS, WORK SARKARS &amp; VULCANISERS (Para 3.0) refers.

## I. RIGGERS

S|Shri

1. G. Fakira.
2. Nakula Behera.
3. R. C. Behera.
4. P. T. Reddy.
5. Kasinath Patra.
6. Ramai Tudu.
7. Brundaban Behera.
8. N. Babu Rao Reddy.
9. Ghasiram Majhi.
10. Kanduri Pradhan.
11. S. K. Muslim.
12. Pitabas Behera.

## II. WORK SIRCARS

1. S. P. Mangaraj.
2. R. K. Sahu.
3. Surendra Das.
4. P. K. Das.
5. S. Bhaskar Patra.
6. Niranjan Sahu.

**III. VUCANISERS.**

1. Chandan Basu.
2. S. R. Mitra.
3. P. Ch. Patra.
4. A. K. Das.
5. Nilambar Padhy.

12-1-1994.

**ANNEXURE VI****LIST OF CASUAL WORKERS ENGAGED  
IN I.R.E. Ltd., (OSCOM) AS ON 1-1-1994**

1. Shri Bipra Nayak.
2. Shri Rabindra Kumar Patra.
3. Shri Laxman Behera (B).
4. Shri Bhaskar Pradhan.
5. Shri Abhimanya Naik.
6. Shri Mohan Chandra Das.
7. Shri Govinda Naik.
8. Shri Dilli Pradhan.
9. Shri Padma Charan Behera.
10. Shri D. Arjuna Reddy.
11. Shri K. P. Ch. Dav.
12. Shri Dilleswar Das.
13. Shri Labanya Naik.
14. Shri K. S. Reddy.
15. Shri K. Raghava Rao.

12-1-1994.

नई दिल्ली, 8 मई, 1997

का. आ. -1494-श्रौतोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एफ.सी.आई., के प्रबंधतात्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुवंश में निम्नलिख श्रौतोगिक विवाद में केन्द्रीय सरकार श्रौतोगिक अधिकरण, नई दिल्ली के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 5-5-97 को प्राप्त हुआ था।

[संख्या एन-42011/18/83-डी-II (बी)/ डी IV (बी)]  
बी. एम. डेविड, डैस्क अधिकारी

New Delhi, the 8th May, 1997

S.O. 1494.—In pursuance of Section 14 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, New Delhi as shown in the Annexure, in the industrial dispute between the employers in relation to the management of FCI and their workmen, which was received by the Central Government on 5-5-1997.

[No. L-42011/18/83-D II (B)/D.IV (B)]  
B. M. DAVID, Desk Officer

**ANNEXURE**

BEFORE SHRI GANPATI SHARMA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, NEW DELHI

I. D. No. 20/84

In the matter of dispute :

**BETWEEN**

The workmen of Food Corporation of India,  
Represented by Food Corporation of India,  
Workers' Union 58, Diamond Harbour Road,  
Calcutta-700023.

**Versus**

The Management of the Food Corporation of India,  
16-20, Barakhamba Lane, New Delhi.

**APPEARANCES :**

Shri Inderjit Singh—for the workman.  
None—for the Management.

**AWARD**

The Central Government in the Ministry of Labour vide its Order No. L-42011/18/83-D.II (B)/D.IV (B) dated 24-7-84 has referred the following industrial dispute under Section 10(1) of the I. D. Act, 1947 to this Tribunal for its determination :

"Whether the action of the management of FCI in relation to their food storage depots in Assam, Bihar, Orissa, West Bengal, New Delhi and U.P. in changing the formula for calculating O.T. Wages to workers w.e.f. 20-9-82 is justified ? If not, to what relief are the workmen entitled ?"

2. The facts of the case leading to the above I. D., briefly stated, appear to be the Zonal Office of the Food Corporation of India (F.C.I. for short) at Calcutta issued certain instructions vide its letter No. IR-2(2)/81 dated the 9th June, 1981 for calculating the hourly rate of wages for the purpose of payment of O.T. Wages the method for calculating the O.T.A. as per the said circular was :

Gross Monthly (Pay, D.A. A.D.A. H.R.A.  $\times 2$ )

26 X 7

= O.T. rate per hour.

3. It further appears that the Internal Audit Division of the F.C.I. at Calcutta objected to the above circular instructions on the ground that the same were not strictly according to the directions given by Justice K. K. Mitra in the Award on a reference made to him under Section 10 of the I. D. Act in connection with an I. D. relating to wage structure of the workers employed by the F.C.I. in some of its depots in Bihar, but which was in fact implemented in the entire East Zone comprising of the States of Bihar, Bengal excluding depots in Calcutta (Complex), Assam and Orissa, Delhi and U.P.

4. In view of the objections raised by the Internal Audit, it further appears that Zonal Office of the F.C.I. at Calcutta issued revised instructions vide its Circular No. IR-2(2)/80-Pt. I dated 20-9-1982, superseding the earlier circular No. IR-2(2)/81 dated 9-6-1981 and thereby changing the method for calculation hourly rate for payment of O.T. This change in the method of working out hourly rate for payment of O.T. introduced vide circular dated 20-9-1982 was objected to by the F.C.I. workers Union (Union for short) and has resulted in the above dispute.

5. The principal arguments of the Union are :

- (a) That the implementation of Mitra Award became final on 9-6-1981 with the issue of circular No. I.R. 2(2)/81 dated 9-6-1981 by the F.C.I.;
- (b) That having implemented the award, the F.C.I. is bound by the terms and conditions contained in circular dated 9-6-1981 ;

- 3) That the change in the service conditions of the workman introduced by the subsequent circular dated 20-9-1982 is illegal as no notice under Section 9-A of the I. D. Act was given by the employer and as O.T.A. is 'Wage' under Section 2(ee) of the I. D. Act.

As against the above, the stand of the F.C.I. is that it has been nothing illegal in the action of the Management in issuing revised instruction on 20-9-1982 and that no violation of Section 9-A of the I. D. Act has been committed by the F.C.I. The main arguments advanced by the F.C.I. in defence of its action are :—

- That the instant reference is invalid as there is no valid industrial dispute subsisting between the parties ;
- That this Tribunal has no jurisdiction to adjudicate upon the dispute as it pertains to different states ;
- That the claim for overtime is not a service condition and hence not covered by Section 9-A of the I. D. Act ;
- That payment of O.T. is regulated by the Shops and Establishments Acts in force in different states ;
- That the circular instructions issued by Zonal Office, Calcutta on 9-6-1981 were found to be based on wrong appreciation of Mitra Award and the subsequent instructions issued on 20-9-1982 merely rectified the mistake earlier committed.

It is, however, clear from the pleadings that no notice is required under Section 9-A of the I. D. Act was given by the F.C.I. to the workman concerned. The F.C.I. has also not denied this position. The question requiring determination, therefore, is whether this commission on the part of F.C.I. renders the revised circular dated 20-9-1982 invalid and illegal.

8. Before dealing with above basic issue which goes to the heart of the matter, it may be stated that there is no force at all in the preliminary objections of the F.C.I. that what has been referred in the present case does not constitute an I. D. or that this Tribunal has no jurisdiction as the reference pertains to more than one State. O.T. payment is clearly wage and the jurisdiction of Industrial Tribunals constituted by Central Government is not divided on territorial basis. These objections have, therefore, no merit at all.

10. Likewise, there is merit in the argument advanced on behalf of F.C.I. that claim for O.T. is not covered by Section 9-A of the I. D. Act. Reading the definition of 'Wage' as given in Section 2(ee) at Item No. 1 of the Fourth Schedule to the I. D. Act, 1947 together, it is clear that O.T.A. falls within the definition of 'Wage' and is covered by the Fourth Schedule and hence Section 9-A is attracted. This argument of the F.C.I. is also, therefore liable to be rejected.

9. Coming now to the critical issue whether the revised instructions dated 20-9-1982 of the F.C.I. are illegal and invalid on the ground that these were introduced without issuing notice of change to the workman, I am not inclined to the view put forth by the Union that this constituted a violation of Section 9-A of the I. D. Act. It is not the case of the Union that the instructions so issued by the F.C.I. on 20-9-1982 for calculating the O.T.A. are either violative of the relevant Shops and Establishments Acts or the Mitra Award. If, as the F.C.I. has been vehemently submitting, the originally instructions issued on 9-6-1981 for calculation of O.T.A. were incorrect, having been issued under a wrong interpretation and appreciation of the Mitra Award, the revised instructions issued on 20-9-1982 to rectify the mistake would not constitute a change in service conditions. Any payment made by an employer under an order wrongly issued cannot confer on the workman a right to continue to receive such payment indefinitely. In fact there was indeed a mistake in the circular dated 9-6-1981 is indirectly admitted by the Union in its written arguments where it says (on page 5) that "There is no case law on the point that an official

error can be rectified without notice to the respondent." It, therefore, appears that there has been no violation of Section 9-A of the I. D. Act by the F.C.I. and the Union has been labouring under a wrong assumption. I, therefore, answer the reference in favour of the F.C.I. and hold that its action in changing the formula for calculating O.T. Wage w.e.f. 20-9-1982 was not unjustified.

I award accordingly.

2nd April, 1997

GANPATI SHARMA, Presiding Officer

नई दिल्ली, 8 मई 1997

का.या. 1495.—श्रोतोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसार में, केन्द्रीय सरकार इस्तेमाल की एल के प्रबंधतव के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अन्वेषण में निर्विष्ट श्रोतोगिक विवाद में केन्द्रीय सरकार श्रोतोगिक अधिकरण, मुम्बई नं 2 के पंचायत को प्रकाशित करती है जो केन्द्रीय सरकार को 6-5-97 को प्राप्त हुआ था।

[सं. प्र-22012/270/94-आई.आर. (सी-II)]

थी. एम. डेविड, ईस्क अधिकारी

New Delhi, the 8th May, 1997

S.O. 1495.—In pursuance of Section 14 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Mumbai No. 2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Co. G. Ltd and their workmen, which was received by the Central Government on the 6-5-1997.

[No. L-22012/270/94-IRC II]

B. M. DAVID, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2 MUMBAI

#### PRESENT :

Shri S. B. Panse, Presiding Officer.

REFERENCE NO. CGIT/15 OF 1995

Employers in relation to the management of New Majri U/G of W.C. Ltd.

And

Their workmen.

#### APPEARANCES :

For the Employer.—Mr. B. N. Prasad, Advocate.

For the Workmen.—Mr. R. S. Bhure, Advocate.

Mumbai, dated 3rd April, 1997

#### AWARD

The Government of India, Ministry of Labour by its Order No. L-22012/270/94-IR-(C-II), had re-adjudication.

"Whether the action of the management in not providing light duty on surface to Shri Shiv Murat So Rammandan and Superannuating

the workman under voluntary retirement scheme is fair, legal and justified ? If not, to what relief is the workman entitled to ?"

2. Shiv Murat Ramnandan the workman filed a statement of claim at Exhibit-2. He contended that he was an under ground loader Mine No. 3, Majri Colliery. He worked there for 22 years. He was suffering from weak eye sight. He represented the management between 28-8-1990 to 27-6-1991 that he should be given surface light job. Again he gave an application to that effect on 29-6-1991.

3. S. Mazhar, President of Koyal Khadan Karmachari Sangh raised an Industrial Dispute for the worker before the Assistant Labour Commissioner Chandrapur on 1-10-1990. It was the case No. 54(134)19 and conciliation case No. ALCH (10)-91. In that case the management agreed to provide him the surface light job. After some days the management stopped giving him the light job.

4. It is therefore, Mazhar gave a notice of peaceful hunger strike till death if the dispute was not settled. That notice was served on the management on 17-3-1992 and 20-4-1992.

5. Later on in the Assistant Labour Commissioners Office it was decided to pursue the worker for voluntary retirement and Mazhar was entrusted with the work of persuasion. It is pleaded that the workman was constrained to put an application for voluntary retirement. It is therefore, contended that the case of the management that the workman voluntarily asked for voluntary retirement is malicious and not true. It is submitted that the management by its letter dated 26/28-12-1992 did not calculate the dues to be paid to the workman but on the contrary informed him that the claim his final payment if needed. The workman prayed that for all these reasons the action of the management for not providing him light duty on surface and superannuating him under voluntary retirement scheme is unfair, illegal and unjust.

6. The management resisted the claim by the written statement Exhibit-3. It is averred that as Shiv Murat has retired from service he is no more a worker and therefore, there cannot be an industrial dispute. In the result the Tribunal has no jurisdiction to decide the reference.

7. It is averred that the workman himself gave an application for voluntary retirement on 21-7-1992. It was duly processed and his resignation was accepted with effect from 28-12-1992. Consequent upon acceptance of the application of Shivmurath for voluntary retirement he was paid his legitimate dues as per voluntary retirement benefits as in February, 1993. It is averred that Shiv Murat also applied for provident fund due to the C.M.P.F. Regional Commissioner and the dues were paid in July, 1992. All these facts clearly suggest that the present dispute is raised by the worker with ulterior motives. It is that under such circumstances the reference swered in favour of the management.

8. The issues are framed at Ex-13A. The issue and my findings there on are as follows :

Issues	Findings
1. Whether the action of the management in not providing light duty on surface to Shri Shiv Murat the workman is fair, legal and justified ?	Yes.
2. Whether Superannuating the Workman under Voluntary Retirement Scheme is fair, legal and justified ?	Yes.
3. If not, to what relief the workman is entitled to ?	Does not survive.

#### REASONS

9. Shiv Murat Ramnandan (Exhibit-26) lead oral evidence and relied upon the documents on the record. On behalf of the management nobody entered the witness box to lead oral evidence. They relied on the documents on the record. Shiv Murat admits the position that he was working as an under ground loader. He was examined by the doctors of the mine for periodical medical check up as per the Mines Act. According to him he had made several requests to the management for giving the lighter job. But, he had not made any complaint for not providing him a lighter job. He did not avail any medical leave prior to 20th August, 1990 when he was working as a loader. These facts goes to show that prior to that date he was mentally and physically fit to do the work of under ground loader.

10. Shiv Murat accepts the position that the mines doctor did not declare him unfit to do the work of loader in the mine. But, he does not dispute the position that after the check up on his request the management gave him a light duty for about six months. The duty was of a Chowkidar. He was send to an Ophthalmologist of Majri Hospital on his request. He was also send to Lalpath hospital for special check up. Both these doctors did not declare him unfit to do the work which he was doing.

11. From the admissions of the worker it is very clear that the doctors did not declare him unfit to do the leaders job. It is common knowledge that in mines the workers get Fattique due to the workload which they require to do under ground. Therefore, they are always keen to get lighter duty. Case of Shiv Murat appears to be one of it. As he could not succeed for a long period he raised the Industrial Dispute. He was represented by the union in that dispute. He was represented by one Mazhar President of Koyal Khadan Karmachari Sangh. His case is that the union deceived him and got his signature on the Voluntary Retirement Scheme. He signed the same thinking that it is for getting a lighter job. This affirmation of the worker appears to be after thought and without any merit. It is because if really his signature was taken using undue influence or by misrepresentation then immediately he should have raised voice to other authorities. But, he did not do so. Not only that he availed of monetary benefits after his application of voluntary retirement scheme was

accepted. He received gratuity, provident Fund and other dues as per the scheme. It is tried to suggest by the Learned Advocate for the worker that the worker was helpless and for livelihood it was necessary for him to take out that amount. According to him that cannot be acceptance of the monetary dues on the basis of Voluntary Retirement Scheme. There is no record to show that the worker protested in the beginning or at the time of taking the dues contending that he is accepting those amounts subject to his rights. I therefore, find that he accepted the amounts only because he gave an application for voluntary retirement scheme and which was accepted. It can be seen that the application was given by the workman was dated 21-7-1992. It took about five months for processing and it was accepted by the office by its order dated 26-18-12-1992 and the voluntary retirement came in to effect from 28-12-1992. This period itself goes to show that no hurried action was taken by the management. If really the worker would have signed that application under the pressure of the management then there was sufficient time for raising objection. It is tried to suggest that he did not understand the meaning of that application which I am not inclined accept. He has worked there for last 22 years. He had made about ten representations in English and in Hindi. It can be further seen that there are other letters written by this worker addressed to this Tribunal and to different authorities connecting to this industrial dispute. I need not refer to the contention taken in these letters. But, the fact still remains that the worker himself knows his rights. He knows that the authorities are to be moved when some relief is to be sought. Under such circumstances the contention of the worker that he did not understand the contentions in the application and sign it presuming it to be an application for getting a lighter job is without any merit. Exhibit-20 (pg. 16) is an application given by the worker for voluntary retirement scheme. There are also documents on the record which are produced alongwith Exhibit-33 showing that the worker gave an application for getting the monetary benefits on a voluntary retirement scheme. All these facts clearly go to show that the worker had chosen to retire voluntarily from service and accepted all the benefits under the said scheme. Shiv Murat had not produced any documents to show that the management is bound to provide a lighter duty on application of the worker. The evidence clearly suggests that the doctor did not advise the management to provide a lighter duty to the worker. Naturally it was not bounded duty of the management to give him a lighter duty. But as stated above the management was kind enough to provide a lighter duty to the worker atleast for some months. That does not give right to the worker to get that work permanently. It is tried to argue on behalf of the worker that the union leader cannot take any action in a dispute when the worker is not present. I am not inclined to accept this. When a representative is appointed to represent the matter, the concerned person is bound by the actions of that representative. Here in this case the President of the union was representing the case of the worker. Naturally, whatever opposition taken by him are to be accepted by the worker. In fact the

defence representative is an agent of the worker. Nothing has come on the record to show that his actions were prejudicial to the interest of the worker.

12. The learned Advocate Mr. Bhure for the worker argued that the worker had about eight years of his service and a sympathetic view of the matter may be taken by the Tribunal. The scheme of Voluntary retirement is drawn with a view to benefit the worker who wants to leave the job and go for another for the reasons best known to him or for a personal benefit. Here in this case the worker had given an application under the Voluntary Retirement Scheme. He availed of all the benefits. Under such circumstances it is not the case where any sympathy can be shown to the worker. For all these reasons, I record my findings on the issues accordingly and pass the following order :

### ORDER

The action of the management in not providing light duty on surface to Shri Shiv Murat S/o Ramnandan and Superannuating the workman under Voluntary Retirement scheme is fair, legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली 8 मई 1997

का.आ. 1496-श्रीधोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में सरकार एनसी एल. नियोजकों और अनेककर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीधोगिक विवाद में केन्द्रीय सरकार श्रीधोगिक अधिकरण मुम्भई नं. 2 के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 6-5-97 को प्राप्त हुआ था।

[सं.एल.-22012/342/93-आई शार सी-II)]  
बी.एम. डेविड, डेस्क अधिकारी

New Delhi, the 8th May, 1997

S.O. 1496.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Mumbai No. 2 as shown in the Annexure, in the industrial dispute between the employers in relation to the management of N.C.L. and their workman, which was received by the Central Government on the 6-5-1997.

[No. L-22012/342/93-IR CII]  
B. M. DAVID, Desk Officer

### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT  
INDUSTRIAL TRIBUNAL No. 2, MUMBAI

PRESENT :

Shri S. B. PANSE, Presiding Officer.

REFERENCE No. CGIT-2/31 of 1994

Employers in relation to the Management of  
Northern Coal Fields Limited

AND

Their workmen

**APPEARANCE :**

For the Employer : S/Shri P. S. Nair & A. K. Sasi Advocates.

For the Workmen : Shri Som Dutt Sharma Representative.

Mumbai, dated 2nd April, 1997

**AWARD**

The Government of India, Ministry of Labour by its order No. L-22012/342/93-IR(C.II) dated 21-3-1994, had referred to the following Industrial Dispute for adjudication.

"Whether the action of the General Manager (Personnel Northern Coalfields Ltd., Singrauli Area in not allowing travelling allowance to employees on their retirement, proceeding, to their home town or the place where they intend to settle, in contravention of Rule 14 of CIL T.A. Rules is legal and justified ? If not, to what relief the employees are entitled to?"

2. The Vice-President S.D. Sharma of National Colliery Workers Federation filed a statement of claim at Exhibit-2. It is pleaded that the Coal India Limited has framed transfer allowance rules which has been further amended and duly approved by the Board. These rules are called Coal India Travel Allowance Rules 1983 effective from 15-4-1983. Clause-1.4 provides that unless otherwise specified these rules shall be application to all employees of Coal India (Both executive and non-executive) including all employees in its subsidiary companies and offices and trainees, probationers and apprentices.

3. It is alleged by the Federation that Rule 14 deals with benefits after retirement. It states of giving actual fare of the class to which his pay entitles him for himself and his family proceeding to him home town or the place where he intends to settle. He will also be reimbursed the actual expenditure incurred on transporting his personal effects. It is submitted that in this clause-2 there is no difference between executives and non executives cadre. In other words Rule-14 talks admissibility of travel allowance to an employee without further making any categorisation of employees. It is averred that except the Northern Coal Fields Limited other subsidiary companies of Coal India Limited under Rule-14 have extended this facility to the employees. Under such circumstances the action of the Northern Coal Fields Limited of not giving such a facility to its employees is unjust and improper. It is illegal too. It is therefore prayed that under such circumstances the reference may be answered in favour of the Federation.

4. The management resisted the claim by the written statement Exhibit-9. They have also filed preliminary objection at Exhibit-4. It is pleaded that this is not an Industrial Dispute as contemplated

under section 10 of the Act. It is averred that the services conditions of the employees employed in the Coal Industry are governed by the recommendations of the Central Wage Board for the Coal Mining Industry as accepted by the Government of India and made applicable from the 15-8-67. On 1-5-1973 the coal industry was nationalised. It is averred that in the Bi-partite settlement it is agreed that any doubt or difficulty in interpretation of implementation of any clause of agreement the same shall be referred to and settled by the J.B.C.C.I or a sub-committee constituted by the J.B.C.C.L for the members in the spirit of mutual good will. Under such circumstances the present dispute should not have been taken before the Assistant Labour Commissioner and later on referred to the Tribunal for adjudication. It is averred that there are about 7.5 lacs employees in the Coal Industry. The question now referred to the Tribunal involves questions of National importance and/or are of such a nature when industrial establishments situated in more than one state are likely to be interested in/or effected. Under such circumstances the dispute should have been referred to the National Tribunal and this tribunal had no jurisdiction. It is averred that the NCWF has virtually no existence and there are no members of it. Under such circumstances the dispute which is raised is without any merit. It is averred that ever since the nationalisation of the Industry no travelling allowance was paid to the workmen or on their retirement.

5. The management asserted that on earlier occasions the Vice Chairman and other officers clarified the position in respect of the word employee used in the travel allowance after retirement and ruled out that it deals with executives and not with non-executives. It can be further pleaded that such a facility was given to the family member of the employees who are non executives, only after his death. It is averred that Clause-14 itself gives powers of restrictions of giving that facility to the competent authority. It is submitted that such a facility was never given to the non-executive employees in any of the companies in any of the coal industry and therefore this dispute which is tried to be raised out is without any merit. It is prayed that it may be answered in favour of the management.

6. The Federation filed a rejoinder at Exhibit-7. It reiterated the contention taken in the statement of claim. The issues are framed at Exhibit-8. The issues and my findings thereon are as follows :

Issues	Findings
1. Whether the action of the management in not allowing travelling allowance to employees on their retirement proceeding to their home town or place where they intend to settle is in contravention of the CILT Rules ?	No.
2. If yes, what relief the employees are entitled to?	Does not survive.

## REASONS

7. The Learned Advocate for the management submitted that the answer to this reference will affect the coal mine industry situated in different states. It is therefore the Tribunal has no jurisdiction to decide this matter. On the other hand the Learned Representative for the Federation submitted that in the reference there is specific mention of the action taken by the General Manager of the Northern Coal Field Limited Singrauli Area. The adjudication of the Tribunal will affect only to the employees of the Northern Coal Fields Limited, Singrauli. He further submitted that the Tribunal cannot enlarge its Jurisdiction. But it has to answer the reference in its terms only and nothing more than that. I find substance in it. I am not inclined to accept the submissions made by the management that the Tribunal has no jurisdiction to decide the reference as it will effect all coal industry.

8. Som Dutt Sharma (Exhibit-10) Vice-President of the Federation lead oral evidence and relied upon the documents on the record. He affirmed that there are transfer allowance rules in the Coal India Company. They came into effect from 15-4-1983. These rules provide for payment of travelling allowance to employees on the retirement for going to the native place where they want to settle. According to him except the Northern Coal Fields Limited other subsidiary companies travelling allowance and connected monetary benefits they are not being extended to the non-executive employees uniformly in-accordance with the rules. He further affirmed that this facility was given to them in 1992 and thereafter a circular was issued stating that "they do not have that right". He accepts the position that he did not receive the retirement benefit in respect of the travelling allowance under Rule-14.

9. Somdutt Sharma accepts the position that the coal mines were nationalised in 1972. The Coal India Limited came into establishment in 1975. In 1989 N.C.L. was formed. Previously it was a division of C.C.I. Later on Coal India formed seven subsidiary companies having different head quarters situated at different states. He is not aware which companies gave such a facility. He accepts the provision that Rule 14 provides authority to competent authority to put restrictions. He denied the suggestion that on different occasions circular were issued by the management that Rule-14 has no application to non-executives.

10. It is not in dispute that for some period the travelling allowance to the employees was paid by the Northern Coal Fields Limited. But when they realised their mistake they stopped such a payment. R. K. Singh (Exhibit-14) Personnel Manager of A.C.C.L., Bilaspur, A.R. Singh (Exhibit-15) Deputy Personnel Manager N.C.L., Amitabh Singh, General Manager (Personnel) N.C.L. (Exhibit-16), Ananda Chatopadhyay Deputy Chief Personnel Manager C.I.L. (Exhibit-17), Banshi Lal Nandwana (Exhibit-18) General Manager of Western Coal Fields Limited affirmed that such a travelling allowance was never paid in their industries. In their cross-examination

nothing has come on the record to show that such allowance was paid. It can be seen that the Federation has not produced any document to show that such allowance was being paid by the companies. On the contrary there are circulars on the record which categorically states that such allowance is not available to the employees who are not executives.

11. The word "employee" is defined as a person appointed to any service or post in connection with the affairs of the company and shall include all persons erst while Colliery companies know under the management of the company but exclude a casual employee. Relying on this definition the Learned Representative of the Federation submitted that the word employee which is used in Clause-14 cannot be used for making the distinction between non-executives and executives as the definition employee does not make such a difference except of a casual employee. No doubt there is no distinction between executives and non-executives so far as the definition of employee is concerned. But what is to be seen is the Rule 14. It is better to reproduce the same at this juncture. It states :

"Retirement on Superannuation or Cessation of employment of the re-employed officer : Subject to such restrictions as may be imposed by "Competent Authority" an employee on his retirement or on cessation of employment in cases of re-employed officer may be granted actual fare of the class to which his pay entitled him (Rule 9) for himself and his family proceeding to his home town or the place where he intend to settle. He will also be reimbursed the actual expenditure incurred on transporting his personal effects as in Rule 13.2.

Note : Grant of TA on retirement or superannuation or on cessation of re-employment under Rule 14 may be regulated subject inter-alia to the following conditions :

- (i) TA under Rule 14 should be availed of within six months of the final retirement or on cessation of re-employment. It will not be admissible to employees who resign or who may be dismissed or removed from service.
- (ii) TA on retirement or on cessation of re-employment will be admissible by the shortest route to the employee's home town in India, as declared by him for the purpose of leave travel concession, or to the new place of settlement which ever is less."

12. In this rule the word subject to such restrictions as may be imposed by the competent authority clearly suggest that the competent authority has the power to put restrictions. Way back on 9-4-1976 the Vice Chairman Managing Director Cooking Coal Limited has clarified the word employee in the T.A. Rules and informed that it only covers executives and the non-executives were excluded so far as the application of

Rule 0.6 of BPCL T.A. Rule and Rule-15 of CMA-CIN TA rule is concerned.

13. It can be further seen that A.V. Brahma, the Chief Personnel Division of Coal India Limited by his letter dated 27-6-1988 had clarified regarding the application of Rule-14. He has also stated that it has no application to non-executives.

14. Rule 17 of the Coal India Travelling Allowance Rules provides for the following :

"In the event of death of an employee while in service T.A. shall be admissible to the family members of the said employee from the last headquarters of the employees to his home town or to the place where the family members intend to settle down in India on the following conditions :

- (a) Train fare.....
- (b) Transportation of personal effects.....

It is amply clear that only in the case of death of an employee while in service, the family members would be provided with facilities for movement of their household effects and train fare." It is tried to argue that so far as this rule is concerned there is no difference between executive and non executive. On the death of the employee the facility which is mentioned in this rule is given to his family members. The General Manager of C.I.L. by his letter dated 2-1-92 which he addressed to all subsidiary companies had clarified the provision of Rule-14 stating that it covers to executives and non-executives. But so far as Rule-14 is concerned it is restricted to the executives. As the competent authority can put such restrictions I do not find that any illegality is committed by the company by non-paying the travelling allowance as claimed by Federation. It is well within their right.

15. For all these reasons I record my findings on the issues accordingly and pass the following order :

#### ORDER

The action of the General Manager, Personnel Northern Coal Fields Limited, Singrauli Area in not allowing travelling allowance to employees on their retirement, proceeding to their home-town or the place where they intend to settle, is not in contravention of Rule-14 of CIL TA Rules.

Their action is legal and justified.

S. B. PANSE, Presiding Officer

नई दिल्ली, 8 मई, 1997

का.प्रा. 1497.—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार एस० सी० सी० एस० के प्रबंधताम के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में श्रीयोगिक अधिकरण हैदराबाद के पंचाट

को प्रकाशित करती है जो केन्द्रीय सरकार की 5-5-97 को प्राप्त हुआ था।

[सं.एल.-22012/202/94-प्राई आर (सी-II)]  
बी.एम. डीविड, डैस्क अधिकारी

New Delhi, the 8th May, 1997

S.O. 1497.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of S.C.C. Ltd. and their workman, which was received by the Central Government on 5-5-1997.

[No. L-22012/202/94-IR (C-II)]  
B. M. DAVID, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL-I, AT HYDERABAD

#### PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.  
Dated, the 25th day of November, 1996  
Industrial Dispute No. 56 of 1995

#### BETWEEN

The General Secretary,

S.C. Workers Union, (AITUC) Kothagudam,  
Khammam Dist. A.P. ..Petitioner

AND

The General Manager,

S.C. Col. Ltd., Rudrampur,  
Venkateshwari Post, Khammam Dist. ..Respondent

#### APPEARANCES :

None—for the petitioner.

Sri K. Srinivasa Murthy Advocate—for the Respondent.

#### AWARD

The Government of India, Ministry of Labour, New Delhi by its order No. L-22012/202/94-IR (DU) dated 25-5-95 made a reference to this Tribunal under Section 10(1)(d) and 2-A of Industrial Dispute Act, 1947 for adjudication of industrial dispute mentioned in its schedule which reads as follows :

"Whether the action of the management of S.C. Co. Ltd. Kothagudam in discrimination payment of Cab-I, wages to the workmen in area stores and Cab-II, to the workman working in unit stores is justified ? If not, what relief is Sri J. Prasad, General Mazdoor working in the unit of stores is entitled to ?"

2. After receipt of the said reference, this Tribunal issued notices to both the parties. The petitioner sent the Claim statement by post on 19-7-95. The respondent also filed the Counter on 22-1-96. But the petitioner did not appear and even no representation was made on his behalf. However this Tribunal has again issued fresh notice on 17-8-96 to appear and give evidence. On perusal of the docket sheet from 24-7-95 to 25-11-96, Neither the General Secretary of the union nor the concerned workmen appeared before this Tribunal-I though notices were served upon them. It is understood that the petitioner union as well as the concerned workmen did not evince any interest to prosecute the matter from the very beginning. There is no option except to close the reference. Hence I. D. is closed.

Given under my hand and the seal of this Tribunal, this the 25th day of November, 1996.

V. V. RAGHAVAN, Industrial Tribunal

नई दिल्ली, 13 मई, 1997

का. प्रा. 1498-श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के मनुसरण में, केन्द्रीय सरकार इंडिया सीमेंट लि० के प्रबंधतात्त्व के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में श्रौद्धोगिक अधिकरण मद्रास के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 13-5-97 को प्राप्त हुआ था।

[सं.एल.-29011/13/90-श्राईआर (विविध)]

बी.एम. डेविड, डैस्क अधिकारी

New Delhi, the 13th May, 1997

S.O. 1498.—In pursuance of Section II of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Madras as shown in the Annexure in the industrial dispute between the employers in relation to the management of India Cements Ltd., and their workman, which was received by the Central Government on 13-5-1997.

[No. L-29011/13/90-IR (Misc.)]

B. M. DAVID, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL, TAMIL NADU MADRAS

Thursday, the 9th day of January, 1997

#### PRESENT :

Thiru S. Thangaraj, B.Sc., LL.B., Industrial Tribunal.  
Industrial Dispute No. 40 of 1990.

(In the matter of the dispute for adjudication under Section 10(1)(d) of the Industrial Disputes Act, 1947 between the Workmen and the Management of India Cements Ltd., Sankari West, Salem.

#### BETWEEN

The Workmen represented by  
The General Secretary,  
The India Cements Employees Union,  
Sankari West, Salem,  
Tamilnadu-637303.

#### AND

The General Manager,  
The India Cements Ltd.,  
Sankari West, Salem,  
Tamilnadu.

#### REFERENCE :

Order No. L-29011/13/90-IR (Misc.), Ministry of Labour, dated 22-5-90, Government of India, New Delhi.

This dispute coming on for final hearing on Friday, the 29th day of November, 1996, upon perusing the claim and counter statements and all other material papers on record, and upon hearing the arguments of Thiru Ayyadurai, Advocate appearing for the petitioner/workmen and of Thiru S. Jayaraman, Advocates appearing for the respondent management and this dispute having stood over till this day for consideration, this Tribunal, made the following

#### AWARD

The Government of India in its Order No. L-29011/13/90-IR (Misc.) Ministry of Labour, New Delhi dated 22-5-90 referred this dispute u/s. 10(1)(d) of the Industrial Disputes Act, 1947 to this Tribunal for adjudication of the following issue :

"Whether the demand of the India Cement Employees Union, Sankari West, Salem on the management of the India Cements Ltd., Sankari West, Salem for grant of 30 days annual leave for every 11 months

of service and 14 days of casual leave in a year to all employees as per Cl. 10(a) and 10(b) of the Standing Orders applicable to the establishment of M/s. India Cements Ltd., is justified. If so, to what relief the workmen are entitled ?"

2. On services of notices, the petitioner and the respondent appeared before this Tribunal and filed their claim statement and counter statement respectively.

3. The main averments found in the claim statement filed by the petitioner-union are as follows :

The respondent-management has two standing orders one for the workers working in the factory and other for the workers working in the mines. As per Cl. 10(1)(a) and 10(b) of the Standing Orders for the mines workers, they are entitled to 30 days annual leave for every 11 months of service and 14 days casual leave per year if the basic salary exceeds Rs. 150. However the management is not granting the said leave to any of the workers whose basic salary is above Rs. 150. In the year 1965 the mining operations were carried on by M/s. Star Construction and Transport Co. and they were taken over by the respondent-management thereafter with the same terms and conditions of service of the employees. The management while denying the above leaves to the workers says that the said Clause 10(a) and 10(b) in the Standing Orders apply to Supervisory category employees only and the management cannot differentiate between supervisory category employees and other employees. A plain reading of Cl. 10(a) and (b) would go to show that all the employees whose basic salary exceeds Rs. 150 p.m. will be entitled to the leave facilities. In the circumstances the employees whose basic salary exceeds Rs. 150 p.m. may be granted leave as per Cl. 10(a) and 10(b) of the Standing Orders of the respondent factory.

4. The main averments found in the counter filed by the respondent are as follows :

Cl. 10(a) says that in the case of employees who are in the grade starting with a basic salary of Rs. 150 p.m. or above will be entitled to 30 days casual leave for every 11 months of service. The certified standing orders came into existence since 1965. To get the eligibility of the said provision one must be in the grade starting with a basic pay of Rs. 150 p.m. or above. As per para 13.19.1 of the Wage Board recommendations of the year 1959 which was in existence at that time, the employees who were drawing Rs. 150 p.m. as basic pay belonged to grade VII and their duties were of supervisory in nature. Therefore the employees who were in the category of supervisors were alone eligible for 30 days annual leave for every 11 months of service. The employees in the grade are only the Foreman (mines). The Secretary of the petitioner-union has reached the supervisory grade VII on and from 1-10-78. Therefore, the benefits as provided under Cl. 10(a) of the Standing Orders were extended to him from 1-10-1978 onwards. The petitioner-union cannot make such claim to all the employees whose basic salary exceeds Rs. 150 p.m. as on the date of reference, though the skilled worker is being paid Rs. 6 per day, he is not entitled to the benefits provided under Cl. 10(a) of the Standing Orders as his salary exceeds Rs. 150 p.m. Hence the claim of the petitioner union is unsustainable. Though it is not mentioned in Cl 10(a) and 10(b) of the Standing Orders that it is applicable to the supervisory category employees only, it does not mean that the same can be extended to other employees also. The said clause is very clear that it is applicable to the employees who are drawing a basic wage of more than Rs. 150 p.m. Such employees belonged to grade VII and the supervisory staff alone come under the category of grade VII. As per the Wage Board Recommendation which was in force on the date of certification, the employee whose basic salary was Rs. 150 p.m. alone were entitled to get the benefits of such leave. The contention of the petitioner.

and 10(b) should be applicable to all the employees whose basic salary exceeds Rs. 150 p.m. is a mirage and without any merit. The claim of the petitioner that the said employees are entitled to monetary benefit from the date of raising the dispute is not sustainable. Subsequent to the certification of the Standing Orders the recommendations of the Cement Wage Board 1 and 2 the Arbitrator's award 1978 and 1983 have been implemented. As a result the minimum basic wage of the lowest grade unskilled worker (Grade E) was raised from Rs. 61.50 to Rs. 520 p.m. This has to be treated as a different factor which had come to stay in an entirely different situation long after the certification of the standing orders and which had not been in the perspective of the author of the standing orders at the time of certification. In the year 1975 the lowest wage was raised to Rs. 260 and at that time the union did not raise any dispute for the annual leave and the casual leave. In the said clause strong emphasis lies in the category of employees belonging to Grade VII and not in the quantum of wages. Therefore the claim of the petitioner union cannot be accepted. Award may be passed dismissing the claim of the petitioner-union.

5. One witness was examined on the side of the petitioner union and Exs. W-1 to W-7 have been marked. One witness was examined on the side of the management and Ex. M-1 to M-31 have been marked.

6. The only point for our consideration is : Whether the demand of the India Cement Employees Union, Sankari West, Salem on the management of the India Cements Ltd., Sankari West, Salem for grant of 30 days Annual leave for every 11 months of service and 14 days casual leave in a year to all employees as per Cl. 10(a) and 10(b) of the Standing Order applicable to the establishment of M/s. India Cements Ltd., is justified, if so, to what relief the workman are entitled ?

7. The Point—This dispute has been raised by the India Cements Employees Union, Sankari West, for grant of 30 days annual leave for every 11 months of service and 14 days they have in a year to all the employees as per Cl. 10(a) and 10(b) of the Standing Orders applicable to the respondent. It is the admitted case of the respondent that such leave are enjoyed by the staff members those who work in the office. The petitioner-union has raised this dispute for extending such facilities to the workmen employed in the factory and mine also. The respondent has contended that such leave is applicable only to the staff members who are in supervisory capacity in category No. VII and not to any of the workmen those who are in the lesser categories.

Section 10(a) and 10(b) of the Standing Orders read as follows :

"10(a) The grant of annual leave with wages shall be governed by the provisions of Chapter VII of the Mines Act, 1952 as amended. In the case of employees who are in the grade starting with a basic salary of Rs. 150 net mensem or above, will be entitled to 30 days annual leave for every 11 months of service.

10(b) Casual leave.—All monthly rated workmen may be granted casual leave of absence with wages not exceeding 8 days, in the aggregate, in a calendar year. Such leave shall not be for more than 3 days at a time, except in cases of sickness, certified, certified by the Doctor either employed or nominated by the company. Casual leave will be granted only in bona fide cases where reasons for being absent from work are sufficient to prove the leave is unavoidable. Ordinarily the previous permission of the quarry manager shall be obtained but when this is not possible due to unforeseen circumstances, the quarry manager shall, as soon as may be practicable in writing be informed the absence and the probable period of such absence."

In case the employees who are in the grade starting with the basic salary of Rs. 150 net mensem or above, they will be entitled to 14 days casual leave per annum."

Ex. M-2 is the report of the Wage Board of the year 1960. At page No. 76 para No. 13.19.1 the wage structure for clerical and lower technical and supervisory staff has been given. During that period the basic salary for the lowest clerical grade commenced with Rs. 70 p.m. For the VII grade employees who were supervisory staff, the grade commenced from Rs. 150. This wage board was accepted by all the Cement Industries throughout India. The report of the Second Central Wage Board for Cement Industry was published in the year 1967 and the same is marked as Ex. M-3 wherein as per the recommendations for grade VI the basic salary was fixed at Rs. 150 p.m. and for Grade VII the basic salary was fixed at Rs. 180 p.m. This is clearly seen at page No. 62 of Ex. M-3. Ex. M-11 is the annexure IV to the agreement entered into between the various union in India and the various Cement Industries which came into effect on 1-3-1977. According to Ex. M-11 the basic salary of everyone of them had been raised above Rs. 150. The minimum basic salary was fixed at Rs. 285 p.m. Ex. M-12 is the award passed by Shri G. Ramanujam and R. P. Nevatia who were appointed as Arbitrators. At page No. 29 the demand made by the union for 30 days privilege leave and 15 days casual leave has been stated. However such leaves were not granted by the arbitrators under Ex. M-12. The various unions demanded 15 days privilege leave, 10 days sick leave and 5 days casual leave with full pay and allowances to be added to the existing quantum of leave facilities for all employees. In the memorandum submitted to the Board and Arbitration comprising of Sarvashri G. Ramanujam and M. H. Dalma by the India Cements Employees Union, Sankari is marked as Ex. M-15 wherein the union has demanded 30 days of earned leave and 14 days C.L. p.a. to the workers from Grade VII. Ex. M-16 is the settlement u/s. 12(3) and 18(3) of the I. D. Act, 1947 before the Chief Labour Commissioner (Central) New Delhi wherein no change was made in the privilege leave, annual leave and casual leave. The said settlement was in force till 31-3-92. In Ex. M-17, demand was raised by the workmen on 26-1-92 wherein also the union has demanded 15 days privilege leave, 10 days sick leave and 5 days casual leave with full pay and allowances thereby added to the existing quantum of leave facilities for all employees. Ex. M-18 is the settlement u/s. 12(3) and 18(3) of the I. D. Act, dated 31-7-92 signed by various unions and employers throughout India. There is no provisions for 30 days annual leave and 14 days casual leave in an year in the settlement.

8. A reading of Cl. 10(a) of the Standing Order clearly shows that 30 days P.L. was granted to the employees whose basic pay was Rs. 150 p.m. and abve to Grade VII. Ex. M-2 was of the year 1959 and published in the year 1960. In those orders, the basic salary was very much less comparing to the basic salary at the time of the reference in the year 1990. Originally the respondent cement factory was not having the mines. The mining operation was done by another company by name Star Construction and Transport Company and the said company alongwith the workers was taken over by the respondent India Cements on the same service conditions and the Standing Order. What was applicable to the workers of the said company continuously was applicable to the workers of the respondent India Cement also. As already stated as per Ex. M-2 only grade No. VII who were in the supervisory staff alone were paid the basic salary of Rs. 150. All others were paid much less than that. As per Ex. M-3 in the year 1967 alongwith Grade VII whose basic salary was fixed at Rs. 180 the basic salary for grade VI was fixed at Rs. 150. Ex. M-11 shows that the basic salary for Grade 1 to 7 were above Rs. 285. The lowest basic salary was Rs. 285 p.m. Therefore by 1977 all the staff members and workmen received the basic salary of more than Rs. 150 p.m. It is clear from Cl. 10(a) of the Standing Order that 30 days annual leave for a period of 11 months and 15 days C.L. for an year was given to the supervisory staff and not to others. As days passed, the basic salary of everyone has been raised from time to time. The petitioner-union has based its claim on the basis that the employees whose basic pay was Rs. 150 p.m. or more are entitled to have such leave privileges. The contention of the petitioner-union cannot be supported for the reason that it was meant only for the supervisory staff and not for everyone, whose basic salary was Rs. 150 and above. Since the provisions of the Standing Orders were framed in the year 1965 they followed Ex. M-2 wage board and fixed Rs. 150 basic salary to the supervisory staff. We are more concerned with the annual leave and the casual leave demanded by the petitioner-

union. However with a view to differentiate the claim of the petitioner-union it is absolutely necessary to quote the basic salary and thereafter to decide the privilege attached to the said employees who are receiving such basic salary. Ex. M-2 shows that in those years the minimum basic salary was Rs. 70 p.m. Had they thought fit to introduce such leave facilities to every one of the employee they would have stated that such leave facility can be enjoyed by the workmen who was drawing a basic salary of Rs. 70. However, in their wisdom they fixed Rs. 150 basic salary to enable any employee to have 30 days annual leave and 16 days C.L. in a year. For these reasons the claim of the petitioner union that all those employees who are drawing basic salary of Rs. 150 and above are eligible to get 30 days annual leave and 14 days C.L. in a year cannot be accepted.

9. There is a subtle difference between the 'workmen' and employee. Workmen are : skilled, semi skilled unskilled and clerical category, but whereas the employee who is in the supervisory grade is not a workman. The definition of workman u/s. 2(s) of the I. D. Act, clearly proves this. One who is employed in supervisory capacity is not a workman. The basic salary fixed at Rs. 150 p.m. was for the staff members who were in the supervisory capacity and not for the workmen. So the workmen cannot claim such leave facilities saying that it is equally applicable to them also.

10. We have seen various wage board recommendations, 12(3) and 18(1) settlements and arbitration awards like Exs. M-2, M-3, M-11, M-12 and M-18. In none of these documents my claim which is smaller to that of the petitioner union has been accepted. Though such claim has been made under Ex. M-13 and M-15, the same has not been accepted by the management or their representatives. It is also clear from the documents filed on the side of the respondent that all the settlements have been entered into between the parties for the entire workers and employees in the cement industry in India. It is clear from the various settlements that such a claim has not been accepted in any of the settlements which cover similar workmen throughout India.

11. Ex. M-3 settlement which was signed on 10-5-1989 was in force till 31-3-1992. During the period of reference Ex. M-16 settlement was in force. Even earlier the other settlements were in force. However such settlements bind the members of the petitioner union also. During the subsistence of the settlement the petitioner-union cannot raise any dispute regarding any matter which is covered by a settlement. However, the petitioner union has raised this dispute during the subsistence of various settlements. In the Management of Binny Ltd., (B and C Mills) Vs. The Government of Tamilnadu (1989 I L.J. P 180 at page 196 it has been held) ;

"In the case of units governed by subsisting and valid settlements, no dispute can be countenanced with respect to the subject matter of such settlement."

In view of this ruling also the claim of the petitioner cannot be accepted. From the foregoing reasons it is clear that the claim of the petitioner union is not in accordance with the various settlements and wage board recommendation. The interpretation given by the petitioner union in respect of the basic salary of Rs. 150 and more cannot be applicable to everyone of the workmen as the said basic salary was fixed for the supervisory staff and not for the workmen. It seems that national level no other settlement or arbitration award has been passed for any benefit as claimed by the petitioner-union. Therefore there is no valid reason to accept the claim of the petitioner-union and the same is liable to be dismissed.

In the result, award passed dismissing the claim. No costs. Dated, this the 9th day of January, 1997.

S. THANGARAJ, Industrial Tribunal

#### WITNESSES EXAMINED

For Petitioner/union :

WW-1—Thiru S. K. Palaniappan.

For Management :

MW-1—Thiru V. Paramavam.

1280 61/97-12

#### DOCUMENTS MARKED

For Petitioner/union :

- Ex. W-1/5-7-88—Counter filed by the respondent before the Asst. Labour Commissioner (Central) II (Xerox copy).
- Ex. W-2/24-9-88—Representation by the petitioner-union to the Asst. Labour Commissioner (Central II) (Xerox copy).
- Ex. W-3/23-6-89—Counter filed by the Respondent-management before the Regional Labour Commissioner (Xerox copy).
- Ex. W-4/5-3-90—Addl. Counter filed by the respondent management before the Regional Labour Commissioner (Xerox copy).
- Ex. W-5/26-3-90—Conciliation Failure Report (Xerox copy).
- Ex. W-6/17-4-90—Contention of the Petitioner-union before the Ministry of Labour (Xerox copy).
- Ex. W-7/ —Staff Regulations (Xerox copy).

For Respondent/Management :

- Ex. M-1/23-7-66—Office Order No. SO-P (2) 514/66 (Xerox copy).
- Ex. M-2/29-2-60—First Cement Wage Board Gazette Notification (copy).
- Ex. M-3/14-8-67—Second Cement Wage Board Gazette Notification (copy).
- Ex. M-4/1973 —Statement of PL Eligibility in Form 'L' (copy).
- Ex. M-5/1976 —Statement of PL Eligibility in Form 'L' (copy).
- Ex. M-6/1979 —Statement of PL Eligibility in Form 'L' (copy).
- Ex. M-7/1980 —Statement of PL Eligibility in Form 'L' (copy).
- Ex. M-8/14-2-72—Office Order No. SO-D (44)/912/72 (Copy).
- Ex. M-9/22-3-79—Office Order FSQ : P-15 : 804 : 79 (copy).
- Ex. M-10/29-3-88—The India Cements Employees' Union letter (copy).
- Ex. M-11/7-5-75—Extract of Wage Agreement for Cement Industries (copy).
- Ex. M-12/20-7-83—Gazette notification of Arbitration Award for Cement Industry (copy).
- Ex. M-13/9-5-86 Charter of Demands for Cement Industries (copy).
- Ex. M-14/11-9-96—Acceptance of voluntary arbitration for cement workers (copy).
- Ex. M-15/9-2-88—Memorandum submitted by India Cements Employees' Union to Board of Arbitration (copy).
- Ex. M-16/10-5-89—Memorandum of Settlement between CMA and Indian National Cement Workers' Federation (copy).
- Ex. M-17/12-2-92—Charter of Demands for Cement Industry.
- Ex. M-18/31-7-92—Memorandum of Settlement between C.M.A. and Indian National Cement Workers Federation and others (copy).
- Ex. M-19/ —Charter of demands (Xerox copy).
- Ex. M-20/31-5-96—Strike notice (Xerox copy).
- Ex. M-21/12-7-91—Settlement between workmen and the management.
- Ex. M-22/23-3-79—Office Order FSQ : P-15 : 927 : 79 : 124 (Xerox copy).
- Ex. M-23/23-4-81—Office Order FSQ : P-15 : 1299 : 81 (Xerox copy).
- Ex. M-24/12/14-5-82—Office Order FSQ/S|1569|82 (Xerox copy).

- Ex. M-25/20-11-87—Office Order EST : OO : 202 (Xerox copy).
- Ex. M-26/28-4-94—Office Order EST/OO/339 (Xerox copy).
- Ex. M-27/21-10-78—Gazette Publication (Xerox copy).
- Ex. M-28/ —Pamphlet issued by the Petitioner-union.
- Ex. M-29/ —Standing Orders submitted by the Respondent-management (Xerox copy).
- Ex. M-30/ do.—Standing Orders submitted by the Respondent-management (Xerox copy).
- Ex. M-31/ —Standing Orders for the limestone Quarries (Xerox copy).

नई दिल्ली, 15 मई, 1997

का.आ. 1499—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार शारदा माइका माइनिंग कं. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट प्रौद्योगिक विवाद के केन्द्रीय सरकार प्रौद्योगिक अधिकरण, सं. I धनबाद के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 15-5-97 को प्राप्त हुआ था।

[सं. एल-29012/IC/93-प्राई आर विविध)  
बी.एम. डेविड, डैस्क अधिकारी

New Delhi, the 15th May, 1997

S.O. 1499.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No.-I, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of M/s. Sharda Mica Mining Co. and their workman, which was received by the Central Government on 15-5-97.

[No. L-29012/IC/93-IR(Misc.)]  
B. M. DAVID, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d)(2-A) of the Industrial Disputes Act, 1947

Reference No. 124 of 1994

#### PARTIES :

Employers in relation to the management of M/s. Sharda Mica Mining Co.

#### AND

Their Workmen.

#### PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

#### APPEARANCES :

For the Employers : None.

For the Workmen : Shri D. K. Verma, Advocate.

STATE : Bihar.

INDUSTRY : Mica.

Dated, the 5th May, 1997

#### AWARD

By Order No. L-29012/IC/93-IR(Misc.) dated 10-5-1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) and sub-section (2A) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management of M/s. Sharda Mica Mining Co. in terminating the services of Shri Dwarika Modi, Mining Mate justified. If not, to what relief the workman is entitled ?"

2. On 29-4-1997 a petition was received from the management by post stating therein that the workman has already been paid and prayed to close the case. Earlier also a petition was received by post duly signed by the workman stating therein that he has been paid the amount by the Hon'ble Court in P.W. Act and now he has no further claim or dispute with the management and prayed to withdraw the case.

3. It, therefore, appears that there is no dispute between the parties. Hence, I pass a 'no dispute award' in the present reference case.

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 15 मई 1997

का.आ. 1500.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार कोडरमा माइका यूनिट आफ बी.एम.डी. सी.ओ.लि. के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकरण, सं. I धनबाद के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 15-5-97 को प्राप्त हुआ था।

[सं. एल-28012/01/95-प्राई आर (विविध)]  
बी.एम. डेविड, डैस्क अधिकारी

New Delhi, the 15th May, 1997

S.O. 1500.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No.-I, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kodarma Mica Unit of B.S.M.D.C. Ltd., and their workman, which was received by the Central Government on 15-5-97.

[No. L-28012/01/95-IR(Misc.)]  
B. M. DAVID, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 23 of 1996

#### PARTIES :

Employers in relation to the management of Kodarma Mica Unit of B.S.M.D.C. Ltd.

#### AND

Their Workmen.

#### PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

#### APPEARANCES :

For the Employers : Shri H. Nath, Advocate.

For the Workmen : None.

STATE : Bihar.

INDUSTRY : Mica.

Dated, the 5th May, 1997

## AWARD

By Order No. I-28012/01/95-I.R.(Misc.) dated 30-5-96 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the action of the management in retiring Shri Prema Mahto from the service by the management of Kodarma Mica Unit of B.S.M.D.C. Ltd., P.O. and District Kodarma w.e.f. 1-9-94 is justified ? If not, to what relief the workman is entitled ?"

2. The order of reference was received in this Tribunal on 6-6-1996 and thereafter notice was issued to the parties for filing written statement on behalf of the workman. Despite several adjournments given and registered notice given to the sponsoring union, no written statement has been filed on behalf of the workmen. It, therefore, appears that neither the concerned workman nor the sponsoring union is interested in prosecuting the present reference.

3. Accordingly, I render a 'no dispute' award in the present reference case.

TRAKESHWAR PRASAD, Presiding Officer.

नई दिल्ली, 15 मई 1997

का. प्रा. 1501—श्रीदीयिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार केवाली स्टोन कवरी के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीदीयिक विवाद में केन्द्रीय सरकार श्रीदीयिक अधिकरण सं. 2 घनबाह के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 15-5-97 को प्राप्त हुआ था।

[सं. एल-3(8)/86-कोत II/डी III(बी)  
बी. एम. डेविड, डैस्क अधिकारी]

New Delhi, the 15th May, 1997

S.O. 1501.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal No.-2, Dhanbad as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Kewali Stone Quarry and their workman, which was received by the Central Government on 15-5-97.

[No. L-3(8)/86-Con-II/D-III(B)]  
B. M. DAVID, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL, (NO 2) AT DHANBAD

## PRESENT :

Shri T. Prasad, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act, 1947

Reference No. 345 of 1986

## PARTIES :

Employers in relation to the management of Kewali Stone Quarry, At & P.O. Jujapi, District Gaya and their workmen.

## APPEARANCES :

On behalf of the workmen : None.

On behalf of the employers : None.

STATE : Bihar.

INDUSTRY : Stone.

Dhanbad, the 5th May, 1997

## AWARD

The Government of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-3(8)-86-Con.II/D.III(B), dated, the 13th October, 1986 :

## SCHEDULE

"Whether the action of the management of Kewali Stone Quarry, At & P.O. Kujapi, District Gaya in terminating the services of S/Shri Rameshwar Pd. Verma and 53 other employees is legal and justified ? If not, to what relief are the concerned workmen entitled ?"

2. The order of reference was received in this Tribunal on 22-10-86 and the same was registered as Reference No. 345/86. Notices were issued upon the parties for filing their W.S. and documents. But none of the parties turned up nor took any steps. Again notices were served upon them but in spite of issuance of notices to them none of them appeared nor took any steps. It therefore, leads me to an inference that there is no dispute existing between the workmen and the management and in the circumstances, I have no other alternative but to pass a 'No Dispute' Award in this reference.

T. PRASAD, Presiding Officer

नई दिल्ली, 7 मई, 1997

का. प्रा. 1502—श्रीदीयिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार स्टेट बैंक आफ इंडिया बैंडैंडा के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीदीयिक विवाद में श्रीदीयिक अधिकरण गुजरात के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 5-5-97 को प्राप्त हुआ था।

[संख्या एल-12012/191/82-डी-2]

के. वी. बी. ऊर्णी, डैस्क अधिकारी

New Delhi, the 7th May, 1997

S.O. 1502.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Gujarat as shown in the Annexure, in the industrial dispute between the employers in relation to the management of State Bank India, Baroda and their workman, which was received by the Central Government on 5-5-97.

[No. L-12012/191/82/D.I(A)]

K. V. B. UNNI, Desk Officer

## ANNEXURE

BEFORE SMT. N. J. SHELAJ, INDUSTRIAL TRIBUNAL (CENTRAL), AHMEDABAD

Ref. (ITC) No. 4 of 1983

## ADJUDICATION

## BETWEEN

State Bank of India, Baroda.

## AND

The workmen employed under it.

In the matter of dismissal of Shri Ramanbhai Umedbhai Patel, Cashier w.e.f. 7-9-1981 of Borsad Branch.

## APPEARANCES :

None.

## AWARD

This industrial dispute between State Bank of India, Baroda and the workmen employed under it has been referred for adjudication to this Tribunal under section 7A(d) and (10)(1) of the Industrial Disputes Act, 1947 by the Desk Officer, Government of India, Ministry of Labour and Rehabilitation, Department of Labour, New Delhi's Order No. L-12012/191/82-D.II(A) dated 4/6th May, 1983. Thereafter under an appropriate order it has been transferred to this Tribunal for adjudication.

2. During the course of proceedings notices were issued to both the parties calling upon them to file their respective statements. As such statement of claim was filed by the second party workmen vide Ex. 3 on 9-7-84 and written statement was filed by the first party Part I Award was passed on 18-12-73 vide Ex. 6 on 16-10-84. Thereafter the case was adjourned several times as requested by the parties so as to enable them to conduct the matter in the interest of justice. However, on 11-3-97 a final notice was issued vide Ex. 38 to the second party which could not be served as nobody was available at the place of address. Thus under the facts and circumstances stated above this Tribunal is constrained to dismiss the reference for want of prosecution. Thus the reference stands disposed off accordingly with no order as to cost.

Ahmedabad,

31st March, 1997.

N. J. SHELAT, Industrial Tribunal

नई दिल्ली, 8 मई, 1997

का.आ. 1503.—प्रौद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार संगती बैंक लिमिटेड के प्रबंधितंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में विनियिष्ट प्रौद्योगिक विवाद में केन्द्रीय सरकार प्रौद्योगिक अधिकरण व श्रम न्यायालय सं. 2 बम्बई के पंचपट को प्रकाशित करती है जो केन्द्रीय सरकार को 6-5-97 को प्राप्त हुआ था।

[संख्या एल-12012/98/95-प्राइवेट (बी 1)]  
के.वी.बी. ऊनी, डैस्क अधिकारी

New Delhi, the 8th May, 1997

S.O. 1503.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, Cen-Labour Court No. II, Bombay as shown in the Annexure, in the industrial dispute between the employers in relation to the management of Sangli Bank Limited and their workman, which was received by the Central Government on 6-5-1997.

[No. L-12012/98/95-IR(B-1)]  
K. V. B. UNNY, Desk Officer

## ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 2, MUMBAI

## PRESENT :

Shri S. B. Panse, Presiding Officer

Reference No. CGIT-2/38 of 1996

Employers in relation to the Management of Sangli Bank Limited.

AND  
Their Workmen

## APPEARANCE :

For the Employer—Mr. V. V. Joshi, Representative.

For the Workmen—Mr. Vinayak D. Karmarkar, Representative.

Mumbai, dated 4th April, 1997

## AWARD

The Government of India, Ministry of Labour by its Order No. L-12012/98/95-IR(B-1), dtd. 23-8-96 had referred to the following Industrial Dispute for adjudication.

"Whether the action of the bank in denial of promotion to Sh. R. J. Sawant from sub-staff to clerical cadre inspite of appearing written test and personal interview and having passed both the tests, is justified or not? If not what relief should be granted?"

2. The Sangli bank Karmachari Sanghatana filed a statement of claim at Exhibit-5. It is contended that there is a policy regarding promotion from sub staff to clerical cadre operating in the bank. It is settled on 4-8-86 effective from 1-1-87 for five years. The bank by its circular dated 20-6-89 called applications for appearing in promotion process from eligible employees from substaff to clerical cadre. In the said circular there was no mention of number of posts for promotion which is illegal.

3. The Sanghatana pleaded that the test was conducted in response to that circular on 11-3-90. On 19-4-90 names of all successful candidates were circulated by the bank. The successful candidates were called for personal interview and the list of such successful candidates was circulated. The bank failed to declare total marks obtained by each candidate who appeared for interview and also failed to circulate merit order list to such candidates. R. S. Sawant the substaff appeared for the written tests and was declared as a successful and his name is appearing at serial No. 1 in the list dated 19-4-90. He was called for personal interview. In the selection list dated 19-5-90 his name did not appear. Hence he represented the management but there was no response on behalf of the management. He was also not communicated the marks obtained by him and also failed to consider his appeal/representation.

4. The Sanghatana pleaded that there after twenty four more employees were granted the promotion with effect from 1-2-91 without the name of R. J. Sawant. The marks obtained by these employees were also not declared. It is averred that one Ramesh Tiwari who did not pass the written test was also promoted. It is therefore contended that the action of the management in no promoting Sawant is illegal and unfair. It is therefore prayed that the management may be directed to promote Sawant as a clerk with effect from 1-6-90 and be awarded consequential benefits with other reliefs.

5. The management resisted the claim by the written statement Exhibit-8. It is averred that the present reference is bad and not maintainable because the schedule contained in the order of reference proceeds on the basis that the workman had passed both the tests, that is the written test and the personal interview and he has passed both the tests, whether the action of bank in denial of promotion to him is just and legal. The management pleaded that even though the workman had passed the written tests and in personal interview he could find rank at a lower level in the merit list and as such he cannot get promotion. It is submitted that there was no provision requiring bank to declare/mention number of posts to be filled in by promotion from substaff to clerical cadre.

6. The management pleaded that on interviewing of the candidates he passed the written tests. The merit list to 78 candidates was prepared considering total marks obtained in the written test interview and part record. Thereafter as per the banks requirement twenty candidates topping the merit list were promoted to clerical cadre with effect from 1-6-90. Thereafter 24 candidates were promoted with effect from 1-2-91. As the workman had secured lower marks he could not get the promotion. It is averred that the promotion process is one time exercise and there is no provision for declaration of marks obtained by each

of the candidates and it is not obligatory on the part of the management to circulate/publish the marks obtained by each candidate. Further the merit list of candidates who passed written tests and appeared for interview was prepared and maintained for head office. It is submitted that the bank had not committed any illegality in the matter and the postings are given as per the requirement of the bank and the merit list. It is denied that its action is unjustified and not legal. It is prayed that the reference may be answered accordingly.

7. The Sanghatana filed a rejoinder at Exhibit-9 and reiterated the contentions taken in the statement of claim. It is submitted that there cannot be any position where the employee passes the written test but fails in the interview. Further the workman Sawant had passed the written test by topping the merit list and also be said as passed in interview because the marks in the interview merely decided his merit order position in the final list. It is averred that as the management had prepared the list of 78 employees on the basis of the merit order and in the interest of justice it could have been published informing to each of the candidates. It is averred that the promotion processes where there is no provision for verification of marks and to consider the representation of candidates is arbitrary, unfair and hence illegal. It is averred that the management has promoted R. K. Tilwe and K. B. Dopte who even did not pass the written test which is unjust and illegal.

8. The issues that fall for my consideration and my findings thereon are as follows :—

Issues	Findings
1. Whether the action of bank in denying promotion of Sawant from substaff to clerical cadre is just and legal ?	Yes.
2. If not, what relief he is entitled to ?	Does not survive.

#### REASONS

9. Vishwas Balkrishna Patil, (Exhibit-13) deposed for the worker. Nobody lead oral evidence on behalf of the management.

10. From perusal of the claim, written statement and testimony of Patil and from the written arguments certain facts can be said to be not in dispute. The bank wanted to file up posts in the clerical cadre from the substaff. It called applications from eligible employees by its circulars dated 20-6-89. Sawant, the worker alongwith others gave an application as per the said circular. There was a written statement. Sawant appears to have stood first in the written tests. I say so because this type of statement is made in the rejoinder which is not denied by the management. Thereafter the oral interview of the candidates who get through from the written test. The worker and others were called for the interview. The management prepared a list of about 78 candidates. Out of them twenty employees were promoted on 1-6-90 and thereafter twenty four employees were promoted on 1-2-91.

11. Patil admits that Sawant the worker is at serial No. 62 in the merit list. Uptill now 44 candidates are promoted. In other words the bank did not find it necessary to promote the candidates up to 62 number. The merit list was signed by the office bearer of the recognised union, Mr. Patil in categorical term in the cross-examination admitted that Sawant is at Serial No. 62 in the merit list and he is not entitled to promotion. As this is so the reference has to be answered in favour of the management.

12. One of the allegations against the management is that they promoted one Tilwe and Bhonte leaving aside Patil in cross-examination admits the position that those employees were promoted and posted in view of the settlement before the Assistant Labour Commissioner between management and recognised union. As this is so their which is in different words. If union really wants to raise the dispute regarding the same there are other modes.

But in this reference their promotions and postings cannot be challenged. If they are allowed to be challenged in this way then there will not be any sanctity for the settlements before the Assistant Labour Commissioner between management and the recognised union.

13. In the result I record my findings on the issues accordingly and pass the following order :

#### ORDER

The action of the bank in denial of promotion to Shri R. J. Sawant from substaff to clerical cadre is justified.

S. B. PANDE, Presiding Officer

नई दिल्ली, 13 मई, 1997

का. आ. 1504 — औद्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार मौसरे वी. सी. सी. एल. की बलिहारी कोयला खान के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट औद्योगिक विवाद में केन्द्रीय सरकार औद्योगिक अधिकरण नं. I बनावाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 9-5-97 को प्राप्त हुआ था।

[सं. पल-20012/117/92-प्राई आर(सी 1)]

ब्रज मोहन, डेस्क अधिकारी

New Delhi, the 13th May, 1997

S.O. 1504.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Balihari Colliery of M/s. B.C.C.L. and their workmen, was received by the Central Government on 9th May, 1997.

[No. L-20012/117/92-IR(C-I)]  
BRAJ MOHAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. 1, AT DHANBAD

PRESENT :

Shri T. Prasad, Presiding Officer

In the matter of an Industrial Dispute under Section 10(1)(d) of the I.D. Act., 1947.

Reference No. 23 of 1993

#### PARTIES :

Employers in relation to the management of Balihari Colliery of M/s. B.C.C. Ltd.

AND

Their Workmen

#### APPEARANCES :

On behalf of the workmen—Shri D. K. Dey, Secretary, Dhanbad Colliery Karamchari Sangh.

On behalf of the employers—Shri H. Nath, Advocate.

STATE : Bihar

INDUSTRY : Coal.

Dated, Dhanbad, the 5th May, 1997

## AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I.D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012 (117)/92-I.R. (Coal-J), dated, the 4th January, 1993.

## SCHEDULE

"Whether the action of the management of Balihari Colliery of M/s. BCCL in not regularising Shri Ram Naresh Kumar Mishra on their own roll is justified? If not, to what relief the workman is entitled?"

2. The workman and the sponsoring union have appeared and filed W.S. stating therein that the workman Ram Naresh Kumar Mishra was working as an employee through contractor Shri Kishun Ram in prohibited category of work of permanent and regular nature of job in the mine under the management of Balihari Colliery of M/s. BCCL and he was employed in the year 1979 and worked regularly till the end of December, 1984. He completed more than 240 days of attendance in each calendar year. A large number of workmen employed along with the concerned workman by the said contractor Kishun Ram in identical prohibited category of work were regularised by the management and this workman was left out without any rhyme or reason. It is said that the work awarded to the contractor Kishun Ram was of prohibited category and permanent and regular nature. As per circular No. D(P)/PS/86/261-249 (14) dt. 8/9-5-1986 all such workmen employed by the contractor in prohibited category completing more than 190 days of work in any calendar year who were physically fit were regularised and taken on the rolls of the colliery but the concerned workman was left out and this action of the management was illegal, arbitrary and unjustified.

3. Thereafter the matter was raised before the ALC(C) by the sponsoring union and the conciliation proceeding failed due to the rigid attitude of the management and it was sent to the Ministry from where the reference has been made. It is said that the workman is entitled for regularisation of his services with full back wages and it is further said that the Award be made in favour of the workman.

4. The management of Balihari Colliery of M/s. BCCL has appeared and filed W.S. stating inter alia that this reference is not maintainable and it is said that the sponsoring union have filed documents before the ALC(C) and the correspondence made with the management indicated that the workman was a Munshi of the contractor Ram Kishun Ram and it has also become clear from the document filed by the union that the concerned workman was working as Munshi of the contractor and his period of work was from the year 1979 to Middle of June 1981 and upto the beginning of 1982 the workman was sick and in the meantime the contractor Ram Kishun Ram abandoned his contract work and left the colliery. Thereafter the workers of the said contractor formed a cooperative society and worked in the prohibited category of work. It is said that there was no employer and employee relationship between the management and the workman at any time and the dispute is not covered under the provision of the I.D. Act and the workman was never appointed on the roll of the management. It is said that the sponsoring union of the workman wanted to induce the concerned workman into the service of the management by creating some documents in dubious way which cannot be relied upon. It is said in the present case that there is no job available for the concerned workman as BCCL have got surplus man power and the management has also to follow the guidelines from time following the reservation of SC/ST candidates as held in case of New Delhi General Mazdoor-versus-Scope reported in 1992 (80) FJR 108 by the Delhi-High Court. It is also said that as per letter of the sponsoring union filed before the ALC(C) the workman worked in the colliery from 1979 to 1982 but the dispute was raised for the first time in April, 1987 i.e. after lapse of 5 years. So it becomes stale dispute for lapse of 5 years and same cannot be considered as there was no explanation at all for this abnormal

delay. It is also said that the management's men never supervised the work of the job of the concerned workman and there was no relationship of master and servant between them and the demand of the workman for his regularisation with full back wages was not at all justified.

5. It is also further submitted that by accepting the demand of the workman, the principles of equal opportunity for employment to all such seeking employment workers would be violated and no preferential claim can be relomed to the workman.

6. By way of rejoinder to the W.S. of the workman the same has been denied parawise and specifically and the same is said to be incorrect and denied. It is finally said that the action of the management in not regularising the workman on its roll is fully justified and the workman is not at all entitled to any relief and the Award be passed accordingly.

7. I further find that a rejoinder has been filed by the workman to the W.S. of the management denying its contention parawise and specifically and the statement of the management is said to be incorrect and denied. It is also said that the claim of the workman is justified and the same be allowed.

8. On the basis of the pleadings of the parties the points for determination in this reference are :—

(a) As to whether or not the action of the management by not regularising the services of the concerned workman on its roll is justified ?

(b) If not, what relief or relifs the workman is entitled ?

9. Both the points are inter linked and as such they are taken together for their consideration.

10. I find that some documents have been filed by the parties and the management has filed letters given to the ALC(C) on different dates marked Ext. M-1 to M-4. Further letter dt. 8/9-5-86 from the G. M. to all General Manager is Ext. M-5 and the letter dt. 12/25-1-90 to the ALC(C) Dhanbad by the Secretary of the sponsoring union is Ext. M-6.

10. Similarly some documents have also been filed on behalf of the workman. These are Challan dt. 10-9-80 marked Ext. W-1 and explosive issue voucher dt. 15-12-80 W-1/1, Medical Attendance ticket W-2, and the letter dt. 8-9-5-86 Ext. W-3 and the same letter has also been filed by the management which is Ext. M-5. Some slips upto 1983 have also been marked as Ext. W-5 series and some other slips have been marked as Ext. W-6 series upto W-6/8. Another medical attendant Ticket is Ext. W-7, different letters given to the management are Ext. W-8 and W-9 and note sheets dt. 27-9-91 W-9/1, three letters of the year 1991-92 are Ext. W-10 series and letter given to the ALC(C), Dhanbad dt. 12-12-91 is Ext. W-1 whereas W-11/1 i.e. the details of the work done by the concerned workman and W-11/2 is attendance sheet and W-12 is a letter dt. 21-1-91 given by the sponsoring union to the General Manager, BCCL, Koyala Bhawan. No other documents have been filed on their behalf.

11. The management has examined only one witness Shri Krishna Mohan Prasad who is Personnel Officer/Sr. P.O. of Balihari colliery from the year 1981 to 1988 and he knew the concerned workman. He has supported the case of the management stated in the W.S. He has further stated that the contractor concerned Ramkishun Ram ceased work in the colliery in the year 1981-82 and thereafter the contract labourers worked under him, formed a cooperative society and asked the management to Award the work to them and accordingly the work was given to them. But this was not a registered cooperative. He has also stated that after the contractor left the work the concerned workman Ram Naresh Mishra who was Munshi of the contractor did not work with the management and there was no relationship of employer and employee between them. He further stated that if any contractors workers get injured he is treated

in the hospital of the management. In his cross-examination he has stated that the work order was not issued by him as Personnel Officer nor did he supervised the work of the contractor. He could not say about the exact date when the contractor ceased work and the said contractor was doing work in the underground and surface also. But he could not give details of work done by the contractor underground nor could he say which contractor worker did work underground and the matter being very old it would not be possible to trace out the file to show the letters of the workman for allocation of work made by the management. He said that 18 or 19 workmen formed co-operative group and Swapan Mukherjee was the Gang leader and he could not say the names of other workmen and these workmen of the contractor subsequently regularised in the company. He further clarified that Swapan Mukherjee and other workers were regularised at the same time and the matter being very old it would not be possible for the management to produce attendance register of those workmen worked at that time. He had no knowledge that the concerned workman was working as Munshi of the contractor but he denied that the concerned workman worked in the group and other workers working under the contractor although regularised in services, the present concerned workman was left out. He denied further the concerned workman's regularisation and back wages. There is no other witness by the management. The workmen have examined three witnesses including the concerned workman WW-1 Ram Naresh Kumar Mishra who supported the case as given in the W.S. He stated in his evidence that the contractor left the work in the year 1982 and all 22 workmen formed a Cooperative society themselves and took work order from the management and so the Manager, Surveyor, Mining Sirdar used to supervise their work and they were paid by the management from its office and the amount of work used to be distributed amongst themselves. This system continued till 1984 and from the year 1985 the attendance were marked in the register and they were paid @ Rs. 18 per day. Thereafter the management stopped giving work to them and in view of the circular Ext. W-3 all 22 were regularised in service but he alone was left out by the management from regularisation and although he filed representation but that was not considered. He has further proved Exts. as discussed earlier from Ext. W-5 to W-10 series and Ext. W-6 onward have been marked with objection of the management. He has further provided a letter given by Kumar Arjun Singh marked Ext. M-6 where he was described as Munshi to which he has clarified that he was called Munshi by the people but Munshi was not his name, and he along with contractor Ram Kishun Ram were working for executing work order and company did not issue any appointment letter or for stopping work to him. He has denied that from middle of June upto beginning of 1982 he was ill and he did not do any work in the colliery during the period. He could not show any document that a cooperative was formed as claimed but he denied that after the contractor left the work he did not work in the company at all along with other co-workers 21 of whom were regularised by the company as they have worked underground for 190 days in a year. He had denied that he had not been regularised because he had not done so much work. He could not that circular Ext. W-3 was withdrawn later on and he has denied that his claim was incorrect. WW-2 is Shri Kumar Arjun Singh on behalf of the sponsoring union. He has stated in his evidence that an ID. was raised before the ALC(C) under his signature marked Ext. W-11, photo copies of chart showing work done by the concerned workman marked Ext. W-11/1, attendance chart showing work done by the concerned workman and verified by him in presence of the management's representative under his signature Ext. 11/2 and as per these chart the workman has worked for more than 240 days in a year and attendance register for the year 1983-84 could not be available with the management for that the chart could not be prepared and the representation filed by him before the management is Ext. W-12. He has further stated that some other workmen worked with the management and they have been made permanent by the management and this workman should have been regularised in service. He has further stated that the Attendance chart produced by him did not bear the signature of the management's representative and this was denied that the same was prepared for the purpose of this case and he knew the workman from 1977-78. He could not say that the contractor stopped work

in Balihari colliery in the year 1982 but he denied that the workman did not work in the year 1983, 1984, 1985 and as such he had no claim for regularisation his services. WW-3 is a permanent trammer of Kuchhi Balihari Colliery since 1959 and he knew the workman who was working under ground for the period from 1978 to 1982-84 and other workers working at that time were made permanent but this workman was left out by the management. This workman denied that the concerned workman did not work after 1982 and that he is adducing falsely just to help the concerned workman. There is no other evidence on behalf of the parties.

12. While arguing the case it has been submitted on behalf of the management that MW-1 examined on his behalf has clearly stated that Ram Kishun Ram, the contractor worked till 1981-82 and thereafter he left the work and the concerned workman also left the work where other co-workers formed a cooperative and took work order from the management to complete the work. He has further stated that as per WW-1 a dispute was raised before the ALC(C) in which the workman has been described as Munshi and in the cross-examination he stated that he has not demanded work from the management. It is also said that WW-2 has admitted that the attendance chart and the document produced by the workman did not bear the signature of the management and there is nothing to show that the workman worked during the year 1983, 1984-85. He has further said that the workman raised industrial dispute after a lapse of 5 years which is a stale claim in view of the various authorities of the Hon'ble Supreme Court. It is further said that any contractor's employee who have completed 240 days of work does not become entitled for employment under the management and this has also been made clear in the various authorities of the Hon'ble Supreme Court in Zakir Hussain-vers-Engineer-in-Chief 1993 Lab. I.C. 835, New Delhi Mazdoor Union vers-Scope, 1992 LIC 854 and others. There was no relationship so Master and servant between the management and the workman and he was not entitled for employment. It is further stated that as held by the Hon'ble Supreme Court in Dinanath-vers-National Fertilisers Ltd. 1992 Lab. I.C. 75 where it is stated that the contractor labours employed does not become direct employees of the principal employer. It is further stated that under no law the management is required to keep workmen even for temporary and occasions jobs for the good of the industry and this matter has to be decided by the management and any workman cannot be imposed upon the management and its employees and this cannot be a matter of judicial review as held by the Hon'ble Supreme Court in a case reported in 1993 Lab. I.C. 602 (K.S.R.T.C. Democratic Labour Federation Vs. K.S.R.T.C.) and under the circumstances it is submitted that the workmen did not come under the purview of Ext. W-3, circular of the management issued in the year 1986 as he did not work for the year 1982-85 nor he had anything to show that he worked during that period and for not completing the requisite number of 190 days work till the issuance of the circular he was not entitled for absorption in the employment of the management as in case of other co-workers who were regularised by the management.

13. On the other hand it has been submitted on behalf of the workmen and the sponsoring union that the workman working under the contractor Kishun Ram did work in the prohibited category of work which is of permanent and regular nature and he was employed for the period 1979-1984 and in view of the circular dt. 8/9-5-1986 Ext. M-5 issued by the management he was entitled for regularisation of his service as he had worked underground in the prohibited category for more than 190 days at the time of issuance of the aforesaid circular. It was also said that there was nothing to show on behalf of the management that this circular was withdrawn by the management as suggested by the management to the workman. It has been admitted by MW-1 that other co-workers who worked with this contractor who at all formed cooperative numbering about 21 as per workmen and 18-19 as per management were regularised in the services but this workman was left out illegally. It has been pointed that MW-1 has clarified that the case being old it was not possible to produce the work order or work chart and payment vouchers given to the workmen of the said cooperative at the time. He has further admitted that the aforesaid cooperative was not registered

one nor he could say the name of the cooperative. It is further said that the action of the management was quite discriminatory, unjustified in not regularising the services of the workman on the plea that he has not completed required number of days as per Ext. W-3 and other workmen were regularised. It has been pointed that from Ext. W-1 series, W-2 and W-4 it is clear that the regularisation of the services of the workman were referred by the colliery authorities to the Dy. Chief Personnel Manager, Koyala Bhawan at several time but it was not considered. Similarly Ext. W-5 and W-6 goes to show that various materials were issued from the stores to the concerned workman for doing the work underground or on surface. It is also said that from Ext. W-9 and 9/1 it is clear that the colliery management raised the matter of regularisation of services of the workmen in the year 1991 but it was not headed upon on the simply pica that one industrial dispute was pending before the ALC(C). Ext. W-10 series also goes to substantiate the contention of the workman and it is further submitted that Ext. W-11 series were filed before the ALC(C) by the workman showing the work done by the workman during the period and attendance chart has also been produced original of which was called from the management but the same were not produced. Ext. W-12 is the letter given by the sponsoring union to the General Manager C.M.D. Koyala Bhawan for regularisation of the workman in the year 1991. It is further submitted that when the original attendance register, work order issued to the said co-operative and the payment register by which payment was made to the workman was not produced by the management, naturally, even after calling for them by the workmen and the order being passed by this Tribunal, certainly, adverse inference has to be drawn against the management for not producing those papers and in absence of such papers which ought to have been under the custody of the management and photo copies of those documents filed by the workmen, Ext. W-11/1 and W-11/2 work chart and attendance chart has to be relied upon and from those exts. and from those papers it is clear that the workman worked for more than 190 days and was entitled for regularisation as per Ext. W-3 and M-5 which is circular of the management and under the same many co-workers were regularised by the management as admitted by MW-1.

14. So far plea of stale claim taken by the management it is said that it has been held by the Hon'ble Supreme Court in several cases that the claim of the workman cannot be denied simply on the plea that it has become a stale dispute and in this case the workman has claimed to have worked till 1993 and when other co-workers were regularised in view of the circular Ext. M-5 in 1986-87 and he was left as single one then he raised the matter before the management and thereafter he raised a dispute before the ALC(C) and so there was no stale as claimed by the management. I agree with this contention of the workman.

15. It is also submitted that this workman worked as Munshi of the workman and also as workman doing job on surface or underground as per work order given to the workman. So it is absurd to say that as he was Munshi not a workman he was not entitled for regularisation as gone to the other co-workers of the said contractor and on this point my attention has been drawn to the ruling of the Hon'ble Supreme Court as reported in 3 SCLJ 1952 where 14 workmen who worked themselves and supervised the work of the Miners/Loaders were held to be the workmen and similarly it is said that when the concerned workman worked as Munshi and supervised the work of the other co-workers and also was doing the job himself as a worker he was certainly a workman as defined under Section 2(h) and 2(e) of the Contract Labour (Regulation and Abolition) Act, 1970 and under Section 2(e) of the ID Act, 1947. It is also said that the action of the management becomes arbitrary and discriminatory that he was refused absorption in the services simply on the plea that he was working as Munshi and not as workman under the contractor.

16. After going through the case record, considering oral and documentary evidence of the parties also considering the points of workman as raised. I find much force on the plea taken by the workman that certainly the action of the management was arbitrary and discriminatory as this workman was singled out for not being regularised whereas 21 other co-workers of the same contractor working

under the same colliery of the management have been regularised in view of the circular Ext. M-5, W-3 as relied upon by both the sides. From Ext. W-10 series and W-11/1 and W-11/2 it is clear that he had completed more than 190 days work in the underground like other co-workers and he came within the purview of the circular of the year 1986 issued by the management and he was entitled for his regularisation. And I do not find any merit in the pleas of the management that there was a provision for reservation of SC/ST and calling for names from the Employment Exchange and these principles were not followed admittedly in the case of other 21 workers who were working and who have been admittedly regularised in the services of the management and it is said by the management that most of them belonged to SC/ST and backward community and only this workman was of upper caste Hindu. So the question of reservation would not/should not come in the way of regularisation of his services as the names of other co-workers were not called for from the Employment Exchange. Similarly, in the case of this workman those principles cannot be made applicable only at the time of considering his case whereas definitely other 21 workmen working and doing the same job in the aforesaid period have been regularised by the management.

17. In the result, both the points are decided in favour of the workman and against the management and accordingly it is held that the action of the management in denying the regularisation of services of the concerned workman was not at all valid and justified and certainly the workman is entitled for regularisation in service. So far the date of regularisation is concerned the reference is silent on this point but it is clear that this reference has been made to this Tribunal dt. 4-1-93 and before that the matter was raised before the ALC(C) much earlier, and the report was sent to the Ministry in the year 1992. In this view of the matter the management is directed to regularise the services of the concerned workman from January, 1993 in the initial minimum category with 50 percent of full back wages and other benefits. Hence, the following Award is rendered :—

"The action of the management of Balihari Colliery of M/s. BCCL in not regularising Shri Ram Naresh Kumar Mishra on their own roll is not justified. Consequently, the concerned workman Shri Ram Naresh Kumar Mishra is entitled for regularisation from January, 1993 with 50 percent of full back wages and other benefits."

18. The management is further directed to regularise the services of the concerned workman January, 1993 with payment of 50 percent of full back wages and other benefits within two months from the date of publication of the Award in the Gazette of India.

19. However, there will be no order as to costs.

T. PRASAD. Presiding Officer

नई दिल्ली, 15 मई, 1997

का.आ. 1505—श्रीशोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन एयर लाईंस लि. के प्रबंधतंत्र के संबंध नियंत्रणों और उनके कर्मकारों के बीच, अन्तर्राष्ट्रीय में निर्दिष्ट श्रीशोगिक विवाद में केन्द्रीय सरकार श्रीशोगिक अधिकरण, नं. 1, भूम्बई के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 14-5-97 को प्राप्त हुआ था।

[स. एल.-11011/11/90—ग्राइ.आर. (मिस.)/ग्राइ.आर. (सी-1)]

ब्रज मोहन, डैस्क अधिकारी

New Delhi, the 15th May, 1997

S.O. 1505.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial Tribunal, No. I, Mumbai as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Airlines Ltd. and their workmen, which was received by the Central Government on 14-5-97.

[No. L-11011/11/90-JR(Misc.)/IR(C-I)]

BRAJ MOHAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, MUMBAI

Present :

Shri Justice R. S. Verma, Presiding Officer.

REFERENCE NO. CGIT-37 OF 1991

Parties :

Employers in relation to the management of Indian Airlines Ltd.

AND

Their Workmen

Appearances :

For the Management : Mr. Swamy & Mr. Abhay Kulkarni, Advocate.

For the Workman : Ms. Samant, Advocate.

STATE : Maharashtra

Mumbai, dated the 5th day of May, 1997

#### AWARD

The matter came up on a joint application filed by Shri Naresh Lal on behalf of the union and Shri Abhay Kulkarni on behalf of the management. Both the sides state that an out of Court settlement has been arrived at. They have filed the original settlement dated 5th May, 1997.

Sarva Shri S. Gourishankaran, Naresh Lal and V. Y. Kadamb are present in person and have verified the settlement. I have gone through the terms of settlement verified before me. The terms of the settlement are reasonable and fair. Hence, the dispute referred to this Tribunal is disposed of in terms of the settlement, which shall form part of the Award. A no dispute award is made. It may be sent to all concerned.

R. S. VERMA, Presiding Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, MUMBAI

REFERENCE NO. CGIT I : 37 OF 1991

In the matter of Industrial Dispute :

#### BETWEEN

Air Corporations Employees' Union, Mumbai : Workmen  
AND

Indian Airlines Ltd. Management

Whereas the Central Govt. had referred the following dispute espoused by Air Corporations Employees' Union for adjudication before the Hon'ble Central Government Industrial Tribunal No. I, Mumbai :

"Whether the Management of Indian Airlines, Bombay were justified in

(i) allowing to lapse the panel of candidates formed for filling up posts of Traffic Officer which was extended till 17-8-1988.

- (ii) Denying the promotion to Shrimati (a) Malathi Reghuraman, (b) Aarti Nadkarni and M. S. Samudre to the post of Traffic Officers in Grade 10/12 who were reported to have been found suitable by the Management of Indian Airlines ?
  - (iii) Is not announcing the panel of all candidates found suitable for various posts ?
- If not, to what relief are the employees concerned entitled to?"

Whereas the aforesaid dispute is pending before the Hon'ble Central Govt. Industrial Tribunal and the parties held discussions to settle the dispute out of Court;

And whereas pursuant to the discussions the dispute was resolved amicably between the parties on the following

#### TERMS OF SETTLEMENT

1. The union shall not press the claim in respect of Ms Aarti Nadkarni who is concerned in the dispute for appointment/promotion to the post of Traffic Officer which has been redesignated as Asstt. Manager (Commercial) as she has already retired from the service of the Management of Indian Airlines Ltd. and the dispute concerning her shall be treated as closed.

2. Mrs. Malathy Ravuraman and Mrs. M. S. Samudre who are concerned in the dispute shall be notionally appointed/promoted to the post of Asstt. Manager (Commercial) with effect from 21-12-1996 for the purpose of reckoning seniority, subject to rules. However, they will not be eligible for arrears of wage and their appointment for all other purposes including probation will be from the date they assume charge of the post.

3. The above appointment shall not affect the rights of the Management with respect to implementation of Recruitment and Promotion Rules applicable to the Management Company and the appointment would not in any manner affect the interpretation of the said rules as observed by the Management in the past, to which the Union agrees.

4. The Union and other employees who were shortlisted and empanelled under the Recruitment and Promotion Rules shall not claim any right, interest or entitlement on the basis of such empanelment.

5. The Union and other empanelled candidates shall not claim any right to seek appointment since the panel had already lapsed.

6. The above terms of settlement has been agreed to by the Management as a gesture of goodwill and as a special case to avoid litigation between the parties and it is expressly agreed between the parties that this settlement shall not be quoted as a precedent for any purpose.

7. In view of the above, the Union and the Management agree that the pending dispute shall be treated as closed and the Hon'ble Tribunal may be pleased to pass a no dispute award.

Dated at Mumbai this the 5th day of May, 1997.

INDIAN AIRLINES LTD. AIR CORPORATION EMPLOYEES UNION

S. Gourisankaran

General Manager (Personnel)

NARESH LAL, Secy.  
V. Y. KADAM, Chairman

नई विली, 15 मई, 1997

का.आ. 1506.—श्रोदीगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार, मैसर्स बी.सी.सी.एल. की भूनीदीह वार्षि के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रोदीगिक विवाद में केन्द्रीय सरकार

श्रौद्धोगिक अधिकरण, नं. 2 धनबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-5-97 को प्राप्त हुआ था।

[मं. नं.-20012/77/87-डी III(ए)/  
आई. आर. (सी-1)]

ब्रज मोहन डैस्ट्रिक्ट अधिकारी

New Delhi, the 15th May, 1997

S.O. 1506.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Central Government Industrial, No. 2, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Moonidih Washery of M/s. B.C.C.L. and their workmen, which was received by the Central Government on 14th May, 1997.

[No. L-20012/77/87-D.III(A)/IR(C-I)]  
BRAJ MOHAN, Desk Officer

#### ANNEXURE

#### BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL (NO. 2) AT DHANBAD

Present :

Shri T. Prasad, Presiding Officer.

In the matter of an Industrial Dispute under Section 10(1)(d) of the I. D. Act, 1947.

REFERENCE NO. 267 OF 1987

Parties :

Employers in relation to the management of Moonidih Washery of M/s. B.C.C.L. and their workmen.

Appearances :

On behalf of the workmen : None.

On behalf of the employers : None.

STATE : Bihar INDUSTRY : Coal

Dated, Dhanbad, the 5th May, 1997

#### AWARD

The Govt. of India, Ministry of Labour, in exercise of the powers conferred on them under Section 10(1)(d) of the I. D. Act, 1947 has referred the following dispute to this Tribunal for adjudication vide their Order No. L-20012(77)/87-D.III(A), dated, the 26th September, 1987.

#### SCHEDULE

"Whether the action of the management in Moonidih Washery of M/s. BCCL in giving category II wages of Rs. 15.40-034-19.48 per day to Shri P. G. Prasad on his appointment as instrument Mechanic (Trainee) vide their letter BCCL/FA-II/15/R Instrument Mechanic 180(a) dated 18-1-1983 and subsequently regularising him in category V as Instrument Mechanic w.e.f. 3-6-85 is justified ? If not, to what relief is the workman entitled ?"

2. The order of reference from the Ministry of Labour was received in this Tribunal No. 31-10-87. Thereafter the same was registered as Ref. 267/87 and notices were issued to the parties for filing W.S. & documents. But none of the parties turned up nor took any steps. Again notices were served upon them but inspite of the issuance of notices, the parties neither appeared nor took any steps. It therefore leads me to an inference that there is no dispute existing between them presently and in the circumstances, I have no other alternative but to pass a 'No dispute' Award in this reference.

T. PRASAD, Presiding Officer

नई दिल्ली, 15 मई, 1997

का. आ. 1507-श्रौद्धोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इलाहाबाद बैंक के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रौद्धोगिक विवाद में केन्द्रीय सरकार श्रौद्धोगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 14-05-97 को प्राप्त हुआ था।

[मं. नं.-12012/290/92-आईआर(वी-II)]  
सनातन, डैस्ट्रिक्ट अधिकारी

New Delhi, the 15th May, 1997

S.O. 1507.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Allahabad Bank and their workmen, which was received by the Central Government on 14-05-97.

[No. L-12012/290/92-IR (B-II)]  
SANATAN, Desk Officer

#### ANNEXURE

#### BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT PANDU NAGAR, KANPUR.

#### INDUSTRIAL DISPUTE NO. 150 OF 1992

In the matter of dispute between :

Assistant General Manager, Allahabad Bank.  
Swarup Nagar, Kanpur.

And

P. N. Singh, General Secretary, Allahabad Bank Staff Association 127/191 W-1 Saket Nagar, Kanpur.

#### APPEARANCES :

Sri M. K. Verma for the Management.

Sri B. P. Saxena for the workman/Union.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-12012/290/92 IR-B-2 dated 21-12-1992 has referred the following dispute for adjudication to this Tribunal :—

"Whether the action of the management of Allahabad Bank Kanpur in imposing a fine of Rs. 3500 on Sri Ram Avtar Armed Guard is justified ? If not, to what relief is the workman entitled to ?"

2. The concerned workman Ram Avtar was admittedly working as Armed Guard at Raipurwa Branch at Kanpur of the opposite party Allahabad Bank. He was served with a chargesheet on 31-1-1990, the copy of which is annexed herewith. One V. N. Misra an officer of the Bank was appointed

enquiry officer. After completing enquiry he submitted his report on 29-6-1990, holding that charge was not proved. The disciplinary authority did not agree with it, hence a show cause notice dated 17-12-1990 was issued by the Regional Manager/Disciplinary Authority to the delinquent. The workman submitted his reply on 26-12-1990. After overruling the explanation of the concerned workman the disciplinary authority awarded Rs. 8,000/- by way of punishment. The concerned workman filed appeal. The appellate authority by order dated 11-6-1991 has reduced the punishment of Rs. 5,000/-. Feeling aggrieved by this order the delinquent has raised industrial dispute and in the claim statement it has been urged that enquiry officer had exonerated him on valid grounds and there were no good ground for disagreeing with the report of enquiry officer by the disciplinary authority and thereby imposing punishment of Rs. 8,000/-.

3. In reply the management has submitted that in this case the disciplinary authority had taken correct view of the matter and it does not suffer from any legal infirmity.

4. In the rejoinder nothing new has been said.

5. Having heard both sides and gone through the record I am of the opinion that the impugned order cannot be justified on the ground that show cause notice by the disciplinary authority was not properly given.

6. In the case of Ram Kishan versus Union of India FLR(Vol 7),1995 page 929 Supreme Court procedure for disciplinary authority has been laid down, when it chooses to disagree with the report of enquiry officer. It has been laid down that the reasons for which the disciplinary authority disagrees with the report of enquiry officer have to be incorporated in the show cause notice so as to afford opportunity to the delinquent to submit his case accordingly and the disciplinary authority is also expected to hear the delinquent on those reasons as well for which the disciplinary authority proposes to disagree with the report of the enquiry officer. In the instant case this has not been done. A bare perusal of show cause notice dated 17-12-1990 which preceded awarding of punishment would go to show that in the last para the delinquent has been called upon to show cause against the proposed punishment alone. To be precise he has not been asked to submit his case regarding the reasons on which the disciplinary authority has chosen not to agree with the report of the enquiry officer. In its absence there has been denial of observation of Hon'ble Supreme Court in the above case which is based on principles of natural justice.

7. Hence, I am of the view that punishment order is also vitiated. Accordingly my award is that the order of punishment is bad in law. It will be open to the management to issue a fresh show cause notice in terms of the above observation and thereafter pass orders as per law.

8. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 मई, 1997

का.आ. 1508-ग्राम्योगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, कन्द्राय सरकार पंजाब नेशनल बैंक के सबद्ध नियाजकों और उनके कर्मकारों के बीच अनुवंश मा निविट ग्राम्योगिक विवाद में केंद्राय सरकार और ग्राम्य अधिकरण कानपुर के पंचाट में प्रकाशित करता है जो केंद्रीय सरकार को 14-05-97 को प्राप्त हुआ था।

[स. एल.-12012/7/90-आर-II]]

सनातन, डंक अधिकारी

New Delhi, the 15th May, 1997

S.O. 1508.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur, as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab National Bank and their workmen which was received by the Central Government on 17-05-97.

[No. L-12012/7/90-I.R(B-II)]

SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER, CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL-CUM-LABOUR COURT  
PANDU NAGAR, KANPUR

INDUSTRIAL DISPUTE NO. 139 OF 1990

In the matter of dispute between :

Regional Manager, Punjab National Bank,  
Regional Office Chowk, Faizabad.

And

Bhagwan Dass C/o V. N. Sekhari, 26/104  
Birhana Road, Kanpur.

#### AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification No. L-12012/7/90-I.R.(B-II) dated 24-5-1990, has referred the following dispute for adjudication to this Tribunal—

Whether the action of the management of Punjab National Bank in respect of their Kalwari Branch, District Basti in terminating the services of Sri Bhagwan Das Ex-Sub-staff w.e.f. 25-9-1983 is fair and justified ? If not, to what relief the workman concerned is entitled ?

2. The concerned workman Bhagwan Dass in his claim statement has alleged that he was engaged as a sub-staff at Kalwari Branch, District Basti of the opposite party Punjab National Bank on 25-9-1983 and he worked there upto 24-9-1983. Thereafter,

his services were brought to an end without paying retrenchment compensation and notice pay and also in breach of Sec. 25G and H of I.D. Act, hence this termination is bad in law.

3. The opposite party has filed reply in which it has been alleged that the concerned workman was engaged as a daily wager casual worker to clear the urgent work. He was not a temporary employee. He had not completed 240 days in a year. It is also denied that there had been breach of section 25G & H of I.D. Act.

4. In the rejoinder it has been denied that the concerned workman was engaged as casual labour.

5. The first point which needs consideration is as to whether the concerned workman had completed 240 days in a year. In this regard there is evidence of the concerned workman Bhagwan Das W.W.I in which he had stated that he had worked for 240 days from 8-11-1982. This fact has been denied by the management of the bank. Ramesh Nath Sharma M.W.I who had stated that concerned workman had not completed 240 days. In this case the concerned workman had filed Ext.W-1 to W-33 of which only W-1 is relevant. The rest of the papers relate to proceedings before ALC and statement of service. Ext. W-1 is a certificate issued by the bank dated nil in which it was certified that the concerned workman had worked for six months and 18 days continuously. If we calculate the number of days it would be evident that he had not completed 240 days in a year on the basis of this certificate. Hence, acting upon this certificate which is the own paper of the concerned workman, I do not accept the version of the concerned workman and held that he had not completed 240 days in a year preceding his retrenchment. Hence provisions of section 25F I.D. Act are not attracted.

6. No doubt in the evidence on oath the concerned workman has stated that he was not the junior most, I am not inclined to believe it as neither in the claim statement nor in the evidence he has given the names of person who were retained in service and who is junior to him. There is no evidence worth the name about the breach of section 25H of I.D. Act.

7. Thus, in view of above discussion it would be evident that all the three grounds on which termination of services has been challenged have not been found to correct. Thus my award is that the termination of the concerned workman is not bad in Law and the concerned workman is not entitled for any relief.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 मई, 1997

का.आ. 1509—प्रौद्योगिक विवाद प्रधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार बैंक आफ बड़ोदा के प्रबंधतंत्र के संबद्ध नियमों

और उनके कर्मकारों के बीच यानुबंध में निर्दिष्ट अंतिमिति विवाद में केन्द्रीय सरकार प्रौद्योगिक प्रधिकरण कानपुर के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 14-05-97 को प्राप्त हुआ था।

[सं. एन-12012/278/95-प्राइ. आर. (बा.-II)]

सनातन, इस्क ग्रंथिकार्या

New Delhi, the 15th May, 1997

S.O. 1509.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Bank of Baroda and their workmen, which was received by the Central Government on 14-5-97.

[No. L-12012/278/95-I.R.(B-II)]

SANATAN, Desk Officer

#### ANNEXURE

BEFORE SHRI B.K. SRIVASTAVA PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL CUM-LABOUR COURT, DEOXI PALACE ROAD, PANDU NAGAR, KANPUR

Industrial Dispute No. 10 of 1997

In the matter of dispute between :

Asstt. General Manager Bank of Baroda Regional Office, Gumti No. S, Kanpur.

#### AND

Munna Lal Gupta, General Secretary Bank of Baroda Staff Association 15/222-A, Civil Lines Kanpur

#### AWARD

1. Central Government Ministry of Labour New Delhi vide its Notification No. L-12012/278/95-I.R. (B-2) dated 31-12-1996 has referred the following dispute for adjudication to this Tribunal :

KYA BANK OF BARODA KE PRABAN, DHAN KA SHRI H. C. SRIVASTAVA KO 17 DINO KE BAD HI FAZALGANJ SHAKHA SE CHUNNIGANJ SHAKHA ME STHANTHARN KARNA NAYO-CHI HAI ? YADI NAHI TO SAMBANDHIT KARMKAR KIS ANUTOSH KA HAKDAR HAI ?

2. It is needless to give the details of the case as on 14-3-1997 the concerned union had given in writing that the demand of the union has been met, the present dispute stand resolved.

3. In view of above the demand of the union having been resolved, the reference is decided accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 मई, 1997

का. आ. 1510.—आंशोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार पंजाब एवं सिव्र बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट आंशोगिक विवाद में केन्द्रीय सरकार आंशोगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-05-97 को प्राप्त हुआ था।

[सं. एल-12012/87/95-आई आर (बी-II)]

मनातन, ईस्क अधिकारी

New Delhi, the 15th May, 1997

S.O. 1510.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Punjab & Sind Bank and their workmen, which was received by the Central Government on 14-05-1997.

[No. L-12012/87/95-I.R.(B-II)]  
SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT PANDU NAGAR, KANPUR

Industrial Dispute No. 46 of 1996

In the matter of dispute between :

Ram Sakal Verma Assistant General Secretary  
Punjab & Sind Bank Staff Association C/o  
B. P. Saxena 426-W Basant Vihar Kanpur

AND

Assistant General Manager Punjab & Sindh Bank  
Lal Bagh Lucknow.

#### Expartite AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-12012/87/95-I.R. B-2) dated 16 April, 1996 has referred the following dispute for adjudication to this Tribunal :—

“Whether the action of the management of Punjab & Sindh Bank Lucknow in imposing the punishment of warning on S/Sh. K. C. Agrawal, Ashraf Lal, J. P. Yadav and Rajendra Singh and not paying them salary and other connected benefits for the period of their suspension i.e. from 24-4-90 to 2-1-1991 is legal and justified ? If not, to what relief are the said workmen entitled?”

2. In support of their case, the concerned workmen have filed claim statement in which it has been alleged that K. C. Agrawal was working as clerk at Latouche Road Branch Kanpur, Ashraf Lal was working as peon in Gadarian Purwa branch Kanpur. J. P. Yadav, and Rajendra Singh were also working at Hamirpur Crossing Branch of the opposite party Punjab & Sindh Bank. They were illegally awarded punishment by way of issuance of warning and denial of full wages for the suspension period from 24-4-1990 to 2-1-1991, after holding enquiry which was illegal.

3. The opposite party failed to put in appearance inspite of sufficient service of the notices, hence cases proceeded ex parte against them.

4. In support of his case Ashraf Lal W.W.I has been examined who has proved the case in favour of all the workmen and against the management to my satisfaction. Hence my award is that punishment awarded to the concerned workmen by way of issuance of warning and denial of wages for the period of suspension is bad in law and they are entitled for full wages for the period of suspension.

5. Reference is awarded accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 मई, 1997

का. आ. 1511.—आंशोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार यको बैंक के प्रबंधतंत्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट आंशोगिक विवाद में केन्द्रीय सरकार आंशोगिक अधिकरण कानपुर के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-05-97 को प्राप्त हुआ था।

[सं. एल-12012/247/92-आई आर (बी-II)]  
मनातन, ईस्क अधिकारी

New Delhi, the 15th May, 1997

S.O. 1511.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal, Kanpur as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of UCO Bank and their workmen, which was received by the Central Government on 14-05-1997.

[No. L-12012/247/92-I.R.(B-II)]  
SANATAN, Desk Officer

#### ANNEXURE

BEFORE SRI B. K. SRIVASTAVA, PRESIDING OFFICER CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL CUM LABOUR COURT PANDU NAGAR, DEOKI PALACE ROAD, KANPUR

Industrial Dispute No. 146 of 1992

In the matter of dispute between :

B. L. PANDEY C/o B. P. Saxena 127/191  
W-1 Saket Nagar, Kanpur.

AND

Assistant General Manager UCO Bank 23 B.M.  
Marg, Lucknow.

APPEARANCE :

B. P. Saxena for the workman  
Sunil Mehrotra for the management.

AWARD

1. Central Government, Ministry of Labour, New Delhi, vide its notification no. L-12012/247/92/I.R. B.II dated 8-12-1992 has referred the following dispute for adjudication to this Tribunal:—

"Whether the action of the management of the UCO Bank in refusing to change the date of birth of Sri B. L. Pandey in their records on the basis of the High School examination Certificate submitted by him and retiring him from the services of the bank w.e.f. 31-10-1989 is justified ?"

2. The case of the concerned workman B. L. Pandey is that he was appointed in clerical cadre of the opposite party United Commercial Bank at its General Ganj Branch, Kanpur, on 1-11-1946. By that time he has passed High School Examination but certificate was not issued. After this certificate was received, the same was handed over to the manager of the Bank for recording date of birth as 15-8-30. He was assured that it will be done in due course. In 1978, he was involved in a criminal case at the behest of the bank and was placed under suspension. Ultimately he was acquitted by Additional Chief Metropolitan Magistrate Kanpur by judgment and order dt. 19-6-89. After his acquittal he requested for reinstatement in October, 1989, but the concerned workman came to know that he was retired. Hence on the strength of date of birth as given in High School Certificate he made representation that he should retire in August 1990, but no heed was paid and he was retired on the basis of his year and month of birth as October, 1926 which is bad in law. He is entitled to continue in service upto August, 1990. His retirement w.e.f. August 1989 is bad.

3. The opposite party has filed reply in which it has been alleged that concerned workman in his application had mentioned his age as 18 years and on the basis of this year of birth was recorded in service record as October, 1929. High School Certificate was never presented before the bank. Now at the fag end of the service this matter should not be allowed to be agitated.

4. The concerned workman has filed rejoinder.

5. I have heard both sides and have gone through the record. It will be relevant to refer to following extracts of the case of Vaideya Nath Prasad Singh versus State of Bihar 1983 Lab IC 162:—

"Where a person has represented a particular date as his date of birth at the time of his appointment it would not be open for him to later on assert that the date of birth had been wrongly recorded and should be corrected in accordance with the matriculation certificate particularly in view of the position that, had the year of birth, as now claimed, been declared at the time of appointment he would not have secured his employment. Having once taken the advantage of the date of birth, the petitioner is now precluded from questioning its correctness in order to secure further advantage. The petitioner would be bound by his earlier assertion."

The facts of this case are analogous to that of present case. In this case the claim of the concerned workman is that date of birth as recorded in service record should be changed in accordance with date of birth as given in matriculation certificate. It was pointed out that when earlier appointment was obtained by giving some age he is bound by the same as he cannot be allowed to blow hot and cold. In the instant case if the date of birth of the concerned workman is accepted as 15-8-30 he would have completed only 16 years in 1946 when he sought appointment. Thus he would not have been eligible for this appointment. It seems more probable that he would have given date of birth of the earlier year so as to make himself eligible age wise. In the above mentioned ruling it has been specifically laid down that when job is obtained by an ineligible date by giving wrong date of birth, he should not be allowed to claim of increase in age by submitting High School Certificate. Thus in my opinion, this ruling applies with full force on the facts of present case and on the basis of this ruling alone, it is held that concerned workman had not been prematurely/incorrectly retired. It was submitted by the authorised representative of concerned workman that others placed in similar circumstances have been allowed to complete 60 years hence the concerned workman too should be allowed and no discrimination should be done. This contention is not based on facts. There is no evidence to show that certain other persons placed in similar circumstances have been allowed to continue 60 years on the basis of such date of birth. Hence this contention is overruled.

6. In the end of my award is that the management has rightly not allowed the date of birth of the concerned workman on the basis of High School Certificate and he has been correctly retired. Consequently he is not entitled for any relief.

7. Reference is answered accordingly.

B. K. SRIVASTAVA, Presiding Officer

नई दिल्ली, 15 मई, 1997

का.आ. ५१२-ओर्योगिक विवाद अधिनियम, 1947  
(1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार सिडीकेट बैंक के प्रबंधतात्व के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ओर्योगिक विवाद में ओर्योगिक अधिकरण हेदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार का 14-05-97 को प्राप्त हुआ ४८।

[स.प्र. १२०१२/२००/९४-ओर्योगिक विवाद (बी-II)]  
सनातन डैस्क अधिकारी

New Delhi, the 15th May, 1997

S.O.1512.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Syndicate Bank and their workmen, which was received by the Central Government on 14-5-1997.

[No. L-12012/200/94-IR (B-II)]  
SANATAN, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL AT HYDERABAD

##### PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.

Dated, the 18th day of March, 1997

Industrial Dispute No. 87 of 1994

#### BETWEEN

Sri M. S. R. Murthy, S/o Sri M. Venkateswarlu,  
C/o Sri M. Mohana Raj, Plot No. 20,  
Parvathinagar, E.C.I.L. (PO), Hyderabad-500762  
. Petitioner

#### AND

The Deputy General Manager,  
Syndicate Bank, Zonal Office,  
Pioneer House, 6-3-653, Somajiguda,  
Hyderabad-500762 . Respondent

#### APPEARANCES :

Sri A. K. Jayaprakash Rao, Advocate--for the Petitioner.  
M/s. K. Srinivasa Murthy, and G. Sudha, Advocates--  
for the Respondent.

#### AWARD

The Government of India, Ministry of Labour, New Delhi made a reference to this Tribunal by its Order No. L-12012/200/94-IR (B-II) dated 21-10-1994 under Section 10(1)(d) and (2-A) of the Industrial Disputes Act, 1947 for adjudication of the industrial dispute mentioned in its Schedule which reads as follows :

"Whether the action of the management of Syndicate Bank, Hyderabad in dismissing Shri M. S. R. Murthy Clerk from service w.e.f. 13-11-91 is justified ? If not, what relief the said workman is entitled to ?"

2. The Petitioner-workman filed a claim statement contending as follows :—

The Petitioner-workman was exserviceman and having worked as Leading Seaman in Indian Navy from 1971 to 1974. He was given several medals. He was appointed as Sub-Staff in the Respondent Bank on 21-12-1975 under Ex. Servicemen Quota. He was promoted as Clerk during the year 1977. While he was working in Chirala Branch he was served with a charge sheet dated 20-8-1988 with the allegations that he did not account for an amount of Rs. 2,741.35 in the books of the Branch nor adjusted the same under L.D. Account No. 404/84. Smt. T. Lingamma had P. D. Account and Loan Account. She made an application for closure of the P. D. Account and for refund of the balance amount lying in her P.D. Account No. 5621. She also had loan account No. 404/84. So two slips for payment of Rs. 4,490.00 as principal and Rs. 378.30 towards interest were prepared. There was an endorsement on the data slip to deduct a sum of Rs. 2,741.35 P. alongwith relevant credit slip for L.D. Account No. 404/84 which was prepared. Smt. Lingamma, the fruit vendor, protested that she is not due to pay any amount. The Petitioner informed her that an amount of Rs. 2,741.35 is to be deducted for the amount payable by her. At her request, the petitioner handed over the slip so that she can go and ask the concerned officials in the Bank. He waited for instructions. When she informed him that she handed over the slip in the concerned section, he paid the amount as no instruction were received. There was no excess cash amount in the account of the petitioner after the payment was made. The alleged excess payment was recovered with interest from the Housing Loan sanctioned to him year before issue of charge sheet. He has not misappropriated the amount. None-the-less capital punishment was imposed upon him. Another employee with serious lapse was reinstated into service and that the services of the petitioner was terminated. The transactions took place in 1985 but came to light on 7-3-1987. There was no malafide intention on his part. The petitioner paid the amount in excess. There are two different transactions in two different sections. The charge is not proved before the Enquiry Officer. The Disciplinary Authority has not taken the Bipartite Settlement into consideration before imposing the punishment. The dismissal is illegal. The Appeal of the petitioner was dismissed. The finding of the Enquiry Officer are perverse and based on surmises. The punishment is disproportionate and not commensurate with the charges. The petitioner be granted the relief of reinstatement with back wages.

#### 3. The Respondent filed a counter contending as follows :

The Petitioner worked in the Navy and he received some medals. He was not appointed in Ex-Servicemen Quota. The Manager of the newly opened Branch of the Bank at Santhamangalur recommended for his appointment as he canvassed for deposits. Hence he was appointed as a temporary Attender on 21-4-1975. He passed S.S.I.C and had he been taken in ex-servicemen quota, he would have been taken as a Clerk. He was made probationary Attender on 21-4-1975 and promoted as Clerk in 1977. He does not have good record. His explanation was called for his unauthorised absence in 1986. The petitioner worked as Clerk-cum-Cashier at Chirala Branch from 17-6-1979 to 5-3-1986. He was charged with gross misconduct of misappropriation for an amount of Rs. 2,741.35 recovered from a lady customer, Smt. T. Lingamma. She was maintaining Piggy Deposit Account No. 5621 with Chirala Branch and she had a balance of Rs. 1,490.00 by 12-9-1985. She availed a loan of Rs. 2,400.00 on 1-5-1984 against the security of the Piggy Deposit Account. She asked for closure of the account and payment of the money. So necessary slips for payment of Rs. 1,490.00 and interest of Rs. 378.30 and recovery of Rs. 2,741.35 from her were prepared. There was an endorsement on the debit slip of Rs. 4,490.00 to deduct a sum of Rs. 2,741.35 towards the loan deposit account No. 404/84. The net amount payable to the lady

customer was Rs. 2,126.00. The petitioner having recovered the loan dues from the lady customer, failed to account for the amount in the books of the Bank. As a result the loan account of the lady customer, continued in the books of the Bank without any security. Thus the petitioner misappropriated the amount and committed gross misconduct. The allegation that the customer made a protest and he handed over the slips to her so that she can go and consult the concerned officer, is false. He should have brought the matter to the notice of the officers had she protested. The allegation that the petitioner was waiting for the instructions from the officers, is false. He never handed over the slips to her. It can be seen from the Management Ex. No. 3 on which the deduction is endorsed. The petitioner also indicated the denomination of the currency notes that were paid by him to the lady customer. The Petitioner did not bring the protest of the lady customer to the notice of the officers. The petitioner as cashier cannot wait for sometime for instructions and then pay the amount. He has to seek the instructions of the Cash Officer who sits very near to him. The petitioner misappropriated the amount. The lady customer confirmed that she received the net amount of Rs. 2,128.00 only. The petitioner is taking inconsistent stand at different stages of the case. The amount was recovered from him in December 1987 with interest. A departmental enquiry was conducted fairly and the guilt of the petitioner was proved. He was given all opportunity in the enquiry. The allegation that he paid the excess amount to the customer is not correct. The petitioner is rightly removed from service. It is not open to the Bank staff who deal with public money, day in and day out, to misappropriate money received from customers by resorting to fraudulent and criminal methods of not accounting the money in the books of account of the Bank. The Bank cannot repose confidence on such staff. The punishment imposed upon him is adequate. He deserves deterrent punishment. The past conduct of the petitioner was taken into account by the Disciplinary Authority before passing the order of dismissal.

4. The petitioner is examined as WW-1. The petitioner did not file any document. The Respondent examined the Assistant Personnel Manager who conducted the enquiry and the Assistant Personnel Officer as MW-1 and MW-2. They exhibited Exs. M-1 to M-38.

5. This Tribunal heard both the parties and held by an order on 9-10-1996 that the domestic enquiry is valid. Then both the parties are heard on the merits of the case.

6. The point for consideration is whether the petitioner is entitled for reinstatement with all benefits?

7. Point—The admitted facts of the case are as follows:—

The Petitioner-workman joined as Sub-staff in the Bank on 21-4-1975 and was promoted as a Clerk in 1977. He worked as Clerk-cum-Cashier at Chirala Branch from 17-6-1978 to 5-3-86.

8. Smt. T. Lingamma opened Pigmy Deposit account on 21-6-82 in Chirala Branch and her Pigmy Deposit No. is 5620. Ex. M-19 is xerox copy of her account in the ledger. She took a loan of Rs. 2,400.00 on 1-5-1984 by giving Ex. M-20 application on the security of the Pigmy account as she had Rs. 3,225.00 to her credit by that date. Ex. M-25 is the ledger copy of her loan account No. 404/84. Smt. Lingamma wanted to close her Pigmy Deposit Account on 12-8-1985. She has to necessarily repay the loan amount.

9. The case of the Respondent Management is that by 12-8-85 an amount of Rs. 4,490.00 towards the principal and an amount of Rs. 378.20 towards the interest were due to an amount of Rs. 2,741.35 and misappropriated the same. The petitioner does not give reply to the Memo Ex. M-29 or Ex. M-2 charge sheet. He does not examine himself in the enquiry. He admits in Ex. M-16 written arguments that he credit slip was also sent to him but pleads that as the account

principal and interest on her Pigmy Deposit Account No. 5621. As stamp was also affixed on Ex. M-22. This account was closed. The further case of the Management is that the Assistant Manager by name Babu Rao sent Ex. M-21 debit slip for Rs. 4,490.00 and Ex. M-28 debit slip for Rs. 378.20 to the Petitioner who was cashier on that day, for paying the said amount to Smt. Lingamma. It was endorsed on Ex. M-21 "Deduct Rs. 2,741.35 Ps.". It is also the case of the Management that a credit slip for Rs. 2,741.35 was also sent to the Petitioner for crediting the said amount to the loan account of Smt. Lingamma after deducting the said amount payable to her. The Management charged the petitioner with misappropriation of the said amount of Rs. 2,741.35 Ps. as he deducted the said amount from the amount payable to Smt. Lingamma, but did not credit the amount to her loan account. The Management relied upon the fact that the petitioner noted the following figures on the back of Ex. M-21 debit slip, "Rs. 4,490.00 + 378.20 = 4,868.20, 4,868.20 (—) Rs. 2,741.35 = 2,126.85". He has also noted  $20 \times 100 = 2,000.00$  and  $20 \times 6 = 120$  denoting that he delivered 106 currency notes of Rs. 20.00 each and Rs. 6.85 by other currency notes or coins. The petitioner did not credit the amount of Rs. 2,741.35 to the loan account of Smt. Lingamma. There was no excess cash with him at the end of the day as can be seen from Ex. M-23 account maintained by him or Ex. M-24 Account maintained by the Assistant Manager.

10. As the amount of Rs. 2,141.35 was not credited to the loan account of Smt. Lingamma it remained unclosed. It was realised some where in 1987 that while her deposit account was closed, her loan account remained undischarged. A report appears to have been given to the Vigilance Department. Sri H. V. S. Ve. Sarma the Officer in the Vigilance Wing took up the investigation. He recorded Ex. M-27 statement of Smt. T. Lingamma on 21-8-1987 where she stated that she was paid Rs. 2,125.00 only after deducting the loan amount due by 12-8-1985. Sri T. Babu Rao, Assistant Manager also gave Ex. M-26 letter dated 14-9-1987 to the Vigilance Officer that he sent two debit slips and one credit slip for adjusting the amount and due to heavy work he could not observe whether the concerned credit entry was made or not.

11. The Vigilance Office appears to have sent a report alleging that the Petitioner misappropriated the said amount. So the Assistant General Manager, Vigilance gave Ex. M-29 confidential Memo to the Petitioner setting out the above facts and asking his explanation. The petitioner asked for time by Ex. M-30 letter dated 7-2-1988 but ultimately he did not give any explanation. Then Ex. M-2 charge sheet dated 20th August, 1988 was served upon the Petitioner setting out the above facts. He sought time by Ex. M-31 letter dated 27-9-1988 but he did not give any explanation. So an enquiry was ordered by Ex. M-1.

12. Sri C. S. Rao, the Enquiry Officer recorded the deposition Ex. M-15 of Sri S. V. H. V. Sarma the Vigilance Officer who produced the above stated exhibits. The Petitioner was defended by Sri M. Tilak, State Secretary. The Petitioner did not examine himself but filed Ex. M-16 written arguments. When the Enquiry Officer submitted Ex. M-18 report and show cause notice Ex. M-22 offering per-report and show cause notice Ex. M-32 offering with a copy of the report and show cause notice Ex. M-32 offering personal hearing on 5-4-1991. The Petitioner appeared through another representative and submitted Ex. M-34 written arguments. The punishing Authority considered the submissions and dismissed the petitioner from service by Ex. M-35 order dated 12-11-1991. The Petitioner's appeal was also dismissed by the Appellant Authority by Ex. M-38 order dated 5-3-1992 after recording Ex. M-27 arguments of the representative of the Petitioner.

13. There is no doubt that the Petitioner was the Cashier on 12-8-1985. He admits that he received two debit slips. The point to be decided is whether he withheld an amount of Rs. 2,741.35 and misappropriated the same. The petitioner does not give reply to the Memo Ex. M-29 or Ex. M-2 charge sheet. He does not examine himself in the enquiry. He admits in Ex. M-16 written arguments that he credit slip was also sent to him but pleads that as the account

holder denied her liability to pay the loan amount, he handed over the credit slip to her for verification from the officers and later on paid away the amount. The contention in Ex. M-16 can be usefully extracted and it is as follows :

"CSE was working as Cashier in our Chirala Branch. On 12-8-85 P.D. A/c. No. 5621 of Smt. T. Lingamma came for payment on closure for Rs. 4490.00 along with I.O.D., Debit Slip for Rs. 378.20. It is a fact that an amount of Rs. 2741.35 to be deducted while making the payment of P.D. Refund along with I.O.D. CSE has deducted the said amount and paid Rs. 2,126.85 to Smt. Lingamma. Immediately, she said that she got less amount and she has not taken any loan earlier. CSE has given the credit slip to her to find out from the Department about this. Later on, she came to CSE saying that the Slip was taken by the Department and took the payment of Balance Amount from CSE. CSE has not marked the denominations on the reverse of the debit slip and it was a practice that whenever the difference or any doubt raised by the Customer, they used to give them slips to find out from the counter, since the L.D. counter is far away from the cash counter."

Having thus admitted to have received the credit slip and having admitted that he did not credit the amount, he later found that his version in handing over the credit slip to the party herself is absurd. It is also pointed out by the Enquiry Officer that the Petitioner himself could have verified from the officers if he has any doubt and could not have handed over the credit slip to the party herself. Then in the explanation to the show cause notice he comes forward with the version that the credit slip was not prepared and given to him at all. He relied upon some discrepancy in Ex. M-25 loan account of Smt. T. Lingamma in support of his contention that the Credit slip was not given at all. His contention about the credit slip being not given in all in his explanation Ex. M-34 to the show cause notice is extracted as follows :

"The Enquiry Officer failed to see the glaring omission in the case built up by the management. If the credit slip for closure of LD A/c. 404/84 was actually prepared by the department, then the same should have passed through three persons before reaching the Cashier, viz., the Clerk in the loans on Securities Department, the Officer supervising the department and the scroll officer. It is a mystery that none of them remembered the voucher even as it did not return to them by the close of business hours.

This clearly goes to prove that the two debit vouchers sent to the Cashier were not accompanied by the Credit voucher mentioned in the charge-sheet. The inscription on the debit slip instructing the Cashier to deduct a sum of Rs. 2741.35 was written by the Department only after noticing their lapses."

14. He relied upon the fact that it was contended for the Management that the amount of Rs. 2,741.35 is only due from Smt. Lingamma to the Bank under the loan account but it can be seen from Ex. M-25 marked as Ex. M-7 before the Enquiry Officer the loan ledger account of Smt. Lingamma, that an amount of Rs. 2,776.90 was actually due to the Bank from her. The Disciplinary Authority as well as Appellate Authority has explained the circumstance. They have stated that this amount of Rs. 2,776.90 was due by 21-9-1985 and not by 12-8-1985. As the account remained unclosed, the interest carried out, once in a quarter, upto 24-6-1987. The petitioner admitted the receipt of the credit voucher in the petition filed in this Court. The petitioner has undoubtedly misappropriated the amount. No doubt he has paid back the amount with interest subsequently but no mercy can be shown to the Petitioner, who has misappropriated the amount of the Bank which is giving him food and shelter. It amounts to breach of trust also. No employer can repose confidence on such a person.

15. In the result, an Award is passed holding that the dismissal of the Petitioner is justified.

Dictated to the Stenographer, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 18th day of March, 1997.

V. V. RAGHAVAN, Industrial Tribunal  
Appendix of evidence

Witness examined for the

Petitioner :

WW-1—M. S. R. Murthy.

Witness examined for the

Respondent :

MW-1—C. S. Rao.

MW-2—K. Ramesh Bhatt.

Documents marked for the Petitioner-workman

NIL

Documents marked for the Respondent-Management

Ex. M-1/22-8-90—Appointment of Enquiry Officer given to MW-1.

Ex. M-2/20-8-88—Copy of the charge sheet issued to petitioner.

Ex. M-3/22-8-90—Appointment of Presiding Officer.

Ex. M-4/3-9-90—Intimation letter to the Petitioner to appear for enquiry.

Ex. M-5/23-1-89—Letter of fixing the date of enquiry as 3-2-89.

Ex. M-6/23-10-89—Letter of fixing the date of enquiry as 17-11-89.

Ex. M-7/11-11-89—Letter from the petitioner to postpone the enquiry.

Ex. M-8/16-11-89—Letter of postponement and fixing on 18-9-90.

Ex. M-9/15-11-88—Appointment letter issued by the A.G.M. to MW-1.

Ex. M-10/15-12-88—Letter fixing the enquiry on 7-1-1989.

Ex. M-11/2-1-89—Postponing enquiry to 3-2-89.

Ex. M-12/10-1-89—Letter with regard to postponement with reference to telegram from the petitioner.

Ex. M-13/20-1-89—Petitioner's letter to postpone the enquiry to 15-2-89.

Ex. M-14/18-9-90—Letter submitted by the Management's representative furnishing the list of witnesses and documents.

Ex. M-15/18-9-90—Proceedings of the enquiry.

Ex. M-16/18-9-90—Written statement submitted by the representative of the petitioner.

Ex. M-17/20-12-90—Covering letter enclosed to the enquiry report.

Ex. M-18/ —Enquiry report submitted by MW-1.

Ex. M-19 to M-28—Documents marked during the enquiry.

Ex. M-29/18-1-88—Letter sent to the petitioner by the Vigilance Branch.

Ex. M-30/ —Letter from the petitioner to submit the explanation.

Ex. M-31/27-9-88—Letter from the petitioner to the Management requesting extension of time till 10-10-88 for Ex. M-2.

Ex. M-32/18-3-91—Letter of the Dy. General Manager by consent of the respondent to the petitioner enclosing the report of the enquiry.

by consent of the respondent to the petitioner enclosing the report of the enquiry.

Ex. M-34 by—Written submission of the defence representative before the Disciplinary Authority during the hearing.

- Ex. M-35 by consent—Syndicate Bank, Hyderabad.  
Manager, Syndicate Bank, Hyderabad.
- Ex. M-36 by consent—Application submitted by the petitioner to the General Manager (Appellate Authority Syndicate Bank).
- Ex. M-37 by consent—Proceedings of the Appellate Authority.
- Ex. M-38/14-3-92 by consent—Letter of the Personnel Manager enclosing the proceedings of the General Manager, Syndicate Bank.

नई दिल्ली, 15 मई, 1997

का. आ. 1513—ग्रौथोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार अन्ध्रा बैंक के प्रबंधतांत्र के संबद्ध नियोजकों प्राप्त उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट ग्रौथोगिक विवाद में ग्रौथोगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-05-97 को प्राप्त हुआ था।

[सं. एल-12012/308/94-ग्राई आर(बी-II)]

सनातन डैस्क प्रधिकारी

New Delhi, the 15th May, 1997

S.O. 1513.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the industrial dispute between the employers in relation to the management of Andhra Bank and their workmen, which was received by the Central Government on 14-5-1997.

[No. L-12012/308/94-IR (B-II)]  
SANATAN, Desk Officer

#### ANNEXURE

#### BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

#### PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.  
Dated, the 11th day of April, 1997  
Industrial Dispute No. 54 of 1995

#### BETWEEN

The General Secretary,  
Andhra Bank Employees Union,  
Parvana Bhavan, Opp. Reddy Hostel,  
Hyderabad-500001 ..Petitioner

AND

The General Manager (Pers.)  
Andhra Bank, C.O., Opp. RBI Saifabad,  
Hyderabad-500004 ..Respondent

#### APPEARANCES :

Sri K. Venkateswara Rao, Advocate—for Petitioner.  
M/s. K. Srinivasa Murthy and G. Sudha, Advocates—for Respondent.

#### AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L-12012/308/94-IR (B-II) dated 24-5-1995 made the following reference under Section 10(1)(d) and 2-A of Industrial Disputes Act, 1947 for adjudication :

"Whether the demand of the Andhra Bank Employees' Union Hyderabad on the management of Andhra Bank Hyderabad for payment of 1/3rd pay scale of wages to Shri T. Mohan Rao, Part-time Sweeper is justified ? If so, what relief is the said workman entitled to and from which date ?"

2. The workman filed a claim statement contending as follows :

The workman (hereinafter called as 'petitioner') was appointed as a part-time sweeper on 24-4-1997 at Gorantla Branch of Respondent-Bank. He was initially paid Rs. 100 p.m., and later Rs. 175 from 1-9-1989. The petitioner has been sweeping 1022 Sft and it is so certified by the Branch Manager of Gorantla Branch and approved valuers for Andhra Bank Krishna Sagar and Associates, Hyderabad. The Manager signed on the certificate confirming the fact that the total floor space of 1022 Sft. is swept by the petitioner. The petitioner is entitled to 1/3rd scale of sub-staff as per the statement. The petitioner is not paid the said amount inspite of his request and representation of the Union. Hence this dispute is raised.

3. The respondent filed a counter admitting to have appointed the petitioner as part-time sweeper in Gorantla Branch of Andhra Bank from 24-4-1987 and paying him fixed wages but contending as follows :

The petitioner has been sweeping only 597 Sft which is the carpet area taken on lease by the respondent-Bank. The petitioner has been sweeping the residential building of Gorantla Branch consisting of half of  $17 \times 9.6$ , 2 bed rooms of  $10.6 \times 9.6$  and small room of  $5.9 \times 9.6$  and verandah of  $14.3 \times 9$  ft and thus the total carpet area is only 597 Sft. but not 1022 Sft. as alleged by the petitioner. As per the Circular of Central Office dated 13-3-89 the closed verandahs, bathroom and all approaches/corridors with pucca flooring shall be included. However the front yards and backyards of the premises should be excluded. The petitioner has been sweeping 597 Sft. carpet area only. The Branch Manager is not vested with any powers to assign work to the sweeper to sweep around the Branch i.e. front yard and backyard of the Bank. The certificate purported to have been issued by the Managers/approved Engineer of the Bank run contrary to be instructions given by the management in the above circular dated 13-3-1989. The certificates issued by the Branch Manager or approved valuers are not binding on the bank. The two managers who issued the certificates colluded with the petitioner and issue false certificate. The authorised valuer of not requested to issue certificate. The petitioner having had the accessibility into the Bank to sweep and having carried out sweeping in the premises of the branch developed acquaintance with customers, approved valuers and branch manager and with ulterior motives planned to make claim for 1/3rd wage, which is not tenable in law. Hence the petitioner's claim may be rejected.

4. The petitioner examined himself as WW-1 and also examined the General Secretary of the Union as WW-2. They filed Exs. W-1 to 7. On a petition filed by the petitioner, the respondent produced a letter addressed to the Regional Manager by the Manager, Gorantla Branch and it is marked as Ex. W-8 by consent. The Law Officer, the then Manager and the present Manager of Gorantla Branch are examined as MWs-1 to 3 and they filed Exs. M-1 to M-4.

5. The point for consideration is whether the petitioner is entitled to 1/3rd wages of the scale of permanent sweeper ?

6. Point—The admitted facts of the case are that the Andhra Bank opened a Branch at Gorantla on 24-4-87 after taking a building on lease from G. Ramakrishna Reddy under Ex. M-2 dated 23-9-1987. The Bank took possession of the building on 24-4-1987 itself. The lease deed was executed 5 months later. The petitioner was appointed as part-time sweeper on 24-4-1987 itself. He was initially paid Rs. 100 per month till August, 1989, Rs. 175 per month from 1-9-89 and Rs. 250 per month from 1-8-1995. There was an agreement Ex. W-5 between the employees union and the management on 19-3-1981 by which the management agreed to pay 1/3rd scale of wages of full-time sweeper if the part-time sweeper sweeps an area between 1500 and 3500 Sq. ft. range for the Bank. It was modified by Ex. W-6 Settlement dated 11-11-1988 by which the Bank agreed to pay 1/3rd scale of

wages if the part-time sweeper sweeps between 1001 and 2500 Sq. Ft. of floor area and furniture. Ex. W-7 is a copy of Ex. W-6. In Ex. W-5 Explanation 2(b) and (c) the floor space area and duties are given as follows :

## 2. Explanation :

- (b) Floor space area (Range) : Floor space area (Range) for the purpose of this settlement shall mean the total area described in the contractual agreement entered into by and between the management of the Bank and the owner of the premises including staircases, verandahs, balconies etc.
- (c) Duties : The duties of sweepers shall include sweeping and cleaning floor space area of the banks premises and furnitures and fixtures of the bank. Existing sweepers performing duties other than those enumerated above shall continue to perform them.

It is stated that the duties of a sweeper shall include sweeping and cleaning floor space area of the bank premises and furniture and fixtures of the Bank. In Ex. W-6 the wet mopping of the floor space area is also added. The floor space area is not defined again. The Management issued Ex. M-1 Circular dated 13-3-1989 and in it the closed verandahs etc., are added which reads as follows :

"For the purpose of determining the floor space area, the following areas shall also be taken into consideration as per Central Office circular letter No. 666/S/37, dated 26-7-1984.

- (i) All closed verandahs.
- (ii) Bathrooms (provided the sweeper is attending to cleaning of bathrooms also) and
- (iii) All approaches/corridors with pucca flooring which lead to the premises.

However, the front yards and back yards of the premises should be excluded while determining the floor space area. Wherever necessary, the services of our Technical officers may be availed for measuring/determining the floor space area of the premises."

7. As per Ex. M-2 lease deed the area that was leased out is only 597 Sq. Ft. though the boundaries of the building as well as open space are given. There is no information as to how many rooms are there and as to how many verandahs are there etc. in the lease deed. The respondent gave number of rooms and their measurements in the counter but they are not spoken to by any of its witnesses. The Law Officer filed Ex. M-3 Plan alongwith Ex. M-2 lease deed which is not attested by anybody. It is not part of the lease deed. But he deposed in the cross-examination that there are (1) a Hall (2) 3 rooms and (3) Verandah. MWs-2 and 3 gave inconsistent versions with regard to the location of the Toilet.

8. The workman admitted in his cross-examination that the carpet area of the building is 597 Sq. Ft. only. The document Ex. M-2 also reads that the leased out area is 597 Sq. Ft. As per the definition of floor space given in Ex. W-5 which is extracted above, what are to be taken into consideration is the total area described in the contractual agreement entered into by and between the management of the Bank and the owners of the premises including the staircase, Varandah and corridor. What all to be added is the gravelled part of the park way leading to the building and door steps leading into the building. Even if they are added, they do not make up 1052 Sq. Ft. However the managers are very generous towards the petitioner. The petitioner filed Ex. W-1 proforma which is described as enclosure to Circular No. 168. In Column No. 7 of the proforma he mentioned a total area of 1022 Sq. Ft. The then Manager, Sri Srimannarayana certified on Ex. W-1 on 17-6-89 that "the particulars furnished by the candidate are verified and found correct." He wrote Ex. W-8 letter dated 4-8-1989 to the Regional Manager stating that the petitioner is sweeping the area of 1022 Sq. Ft. and that his name should be recommended for the fitment of salary. He enclosed original of Ex. W-1 to Ex. W-8. Ex. W-3 is the certificate given by B. Krishna Sagar of Krishna Sagar Assn.

certifies the valuers for Andhra Bank. They have certified the area of the Bank premises, is as follows :	
Building plinth area	597 Sft.
Steps and un covered area	400 Sft.
Toilet area	25 Sft.
Total area	1022 Sft.

In Ex. W-3 the then Branch Manager G. Krishna Mohan (MW-2) has given a certificate which is marked as Ex. W-4 that Sri T. Mohan Rao, S/o T. Somalah, Temporary Sweeper (petitioner) is sweeping the above area". Now he deposed as MW-2 that the petitioner did not sweep the said area but he appended the certificate when he was busy with other work in connection with his transfer. It is also in the evidence that the Bank did not request Sri Krishna Sagar Associates to give certificate. Probably the petitioner might have himself secured the certificate but the Bank Manager appended the above certificate.

9. As per the settlement Ex. W-5 and W-6 the area covered by the lease deed has to be taken into consideration. The Bank has added some more area by Ex. M-1 Circular. It excluded front and back yards. The Manager appeared to have added the front yard and back yard also and made the petitioner to sweep them. The Bank is bound by the acts of the Managers. The bank is at liberty to collect excess payment to be made to the petitioner if any from the salaries of the Managers who acted beyond their powers. But the petitioner cannot be deprived of his legitimate wages. However it can be easily presumed that the present Manager MW-3 grew wise on receiving the notice from the Court and stopped the petitioner from sweeping the area which is not covered by the lease deed etc. So the petitioner is entitled to 1/3rd of the scales of wages from 24-4-1987 to 22-1-1996 on which day the counter has been filed into this Tribunal. The respondent can deduct the amount already paid to the petitioner out of the said amount. The respondent is at liberty to recover the said amount from the Managers who issued the Certificates.

An Award is passed accordingly.

Dictated to the Steno-typist, transcribed by him, corrected by me and given under my hand and the seal of this Tribunal, this the 11th day of April, 1997.

V. V. RAGHAVAN, Industrial Tribunal  
APPENDIX OF EVIDENCE

Witnesses examined for the

Petitioner :

WW-1—Thota Mohan Rao.

WW-2—V. Hanumantha Rao.

Witnesses examined for the

Respondent :

MW-1—B. Prasada Rao.

MW-2—G. Krishna Mohan.

MW-3—M. Srinivasa Reddy.

Documents marked for the Petitioner

Ex. W-1—Particulars of part-time sweepers in Proforma dated 17-6-89.

Ex. W-2—Representation dated 7-2-94 given by the Genl. Secretary of the Union.

Ex. W-3—Certificate dated 9-6-94 issued by Krishna Sagar Associates.

Ex. W-4—Endorsement made by G. Krishna Mohan in Ex. W-3.

Ex. W-5—Xerox copy of Memorandum of Settlement dated 24-3-81.

Ex. W-6—Xerox copy of Minutes of 37th Industrial Relations committee meeting held at Andhra Bank Central Office, Hyderabad on 11-11-88.

Ex. W-7—Copy of Ex. W-6.

Ex. W-8 by consent—Xerox copy of the Ltr. dated 4-8-89 to the Regd. Manager, Hyderabad Region for fitment of salary to the petitioner.

## Documents marked for the Respondent

- Ex. M-1—Xerox copy of circular dated 13-3-89 regarding procedure for filling up of the vacancies of part-time sweepers.
- Ex. M-2—Xerox copy of lease deed dated 23-9-1987.
- Ex. M-3—Xerox copy of Rough Plan of the building at Gorenla.
- Ex. M-4—Xerox copy of the show cause notice dated 9-4-96 issued to MW-2.

नई दिल्ली, 15 मई, 1997

का. आ. 1514—श्रीदीगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में, केन्द्रीय सरकार आंध्राबँक के प्रबंधतात्र के संबद्ध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीदीगिक विवाद में श्रीदीगिक अधिकरण, हैदराबाद के पंचाट को प्रकाशित करती है जो केन्द्रीय सरकार को 14-05-97 को प्राप्त हुआ था।

[सं. एल-12012/74/95-आई आर (बी-II)]

मनातन, हैम्प अधिकारी

New Delhi, the 15th May, 1997

S.O. 1514.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Hyderabad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Andhra Bank and their workmen, which was received by the Central Government on 14-05-97.

[No. L-12012/74/95-IR(B-II)]  
SANATAN, Desk Officer

## ANNEXURE

## BEFORE THE INDUSTRIAL TRIBUNAL-I AT HYDERABAD

## PRESENT :

Sri V. V. Raghavan, B.A., LL.B., Industrial Tribunal-I.  
Dated. 3rd day of April, 1997  
Industrial Dispute No. 64 of 1995

## BETWEEN

General Secretary, Andhra Bank  
Employees Union, Parvana Bhawan,  
Opp. Reddy Hostel, Hyderabad. .. Petitioner.

## AND

The General Manager, Andhra Bank,  
Central Office, Opp. R.B.I.,  
Saifabad, Hyderabad. .. Respondent.

## APPEARANCES :

Sri K. Venkateswara Rao, Advocate for Petitioner.  
M/s. K. Srinivasa Murthy and G. Sudha. Advocates for the Respondent.

## AWARD

The Government of India, Ministry of Labour, New Delhi by its Order No. L-12012/74/95-IR(B-II) dated 10-7-1995 made the following reference to this Tribunal for adjudication under Section 10(1)(d) and 2A of Industrial Disputes Act, 1947 :

"Whether the action of the management of Andhra Bank, Hyderabad in imposing the punishment of stand-off of 4 increments with cumulative effect on Sri N. Anna Rao, Sub-staff is legal and justified? If not, what relief is the said workman entitled to?"

2. The workman filed a claim statement contending as follows.—The Enquiry Officer found that 5 charges out of 6 charges, against the petitioner are not proved and the 6th charge is proved. The 6th charge against him is that he had withdrawn an amount of Rs. 2,500 on 18-12-1990, Rs. 5,000 on 31-12-1990 and Rs. 5,000 on 15-1-1991 from the S.B. Account No. 21464 standing in the name of K. Naga Raju by subscribing his signature on the reverse side of the withdrawal forms in token of having received the amount. The petitioner only introduced Mr. Nagurji for opening the account in the Bank and he used to receive the amount from the cash counter on behalf of K. Nagaraju by signing on the reverse side of the withdrawal form. There is no bad motive. When the fraud is deducted from him, Mr. Naguraj paid back the amount. The misconduct of the petitioner is not proved. He was appointed as Sub-staff in the year 1982. He would suffer loss of Rs. 1,00,000 if the punishment of postponement of 5 increments with cumulative effect is not set aside. Hence, an award may be passed setting aside the punishment.

3. The respondent filed a counter contending as follows.—This Tribunal cannot give any relief under Section 11(A) of I.D. Act since the said section refers to dismissal or discharge only. The petitioner opened an account by introducing Mr. Naguraj. K. Naguraj withdrew the amount not belonging to him and the petitioner received the amount. The allegation that he would suffer a loss of Rs. 1,00,000 if the punishment is not set aside is not correct. The reference may be rejected.

4. The respondent filed the record of domestic enquiry and filed a memo to decide the validity of domestic enquiry as a preliminary issue before going into the merits of the case. The petitioner filed a memo stating that he is not disputing the validity of domestic enquiry and pleaded that there is no misconduct committed by him and the charge is not proved. The record of the domestic enquiry is marked as Ex. M1 to M43. Both the parties are heard on merits of the case.

5. The point for consideration is whether the punishment imposed upon the petitioner is liable to be set aside?

6. Point.—The petitioner has been working as Sub-staff i.e. Attender in the Main Branch of Andhra Bank at Kakinada in 1990-1991. He was served with Ex. M1 charge sheet dt. 3-4-91 which runs into 6 pages. The Enquiry Officer summarised the charges in para III of his report Ex. M41 as follows:

1. Replacement of original credit challan dated 14-12-90 for collection of cheque for Rs. 7,500 of M. Butchi Venkata Lukshmi by a challan to afford credit to S.B. Account 21464 of K. Naga Raju, reported to be the father in law of the charge sheeted employee.
2. Removal of cheque 0323316 from the outwards clearing dated 17-12-90 to Ramaraopet Branch and alterations in the domestic clearing schedule and BA 1 dt. 24-12-90 to cover up the above malpractice.
3. Replacement of Original credit challan dated 10-1-91 for collection of cheque of Rs. 10,000 of Ch. Anna Rao by a challan to afford credit to SB A/c 21464 of K. Naga Raju.
4. Removal of above cheque No. 0738693 from the outwards clearing dated 11-1-91 to Suryaraopet branch and alterations in the domestic clearing schedule and local branch statement to cover up the above malpractice.
5. Removal of fake credit challan inserted on 11-1-91 after the day book was balanced.
6. Drawal of amounts of Rs. 2,500 on 18-12-90, Rs. 5000 on 31-12-90, Rs. 5,000 on 15-1-91 from S.B. A/c 21464, withdrawal of which bear signature of the Charge sheeted employee, in token of having received the amounts.

The petitioner gave Ex. M2 reply simply denying with the charges and without giving any explanation for each charge. The management ordered for a domestic enquiry. The Enquiry Officer examined four witnesses out of five witnesses shown in the list filed by the Management. Nonetheless the

enquiry officer mentioned their numbers M.W. 1 to 3 and M.W. 5. M.W. 1 is Sri M.V.S.N. Murty, Manager, Kakinada Branch. He refers to the petitioner introducing Mr. Korepu Naga Raju to open an account No. 21464 and himself learning that Naga Raju is the relation of petitioner. He also filed some documents relating to the charges 1 to 5. M.W. 2 is Mr. G.V.R. Koteswara Rao, Officer M.W. II, Kakinada Branch and he was the incharge of clearing domestic clearing etc. In 1990-91 in his Department the petitioner worked as Sub-staff. The fraud of crediting cheques deposited by third parties to the account of Naga Raju in the first instance and to the account of the real depositor later on, took place in his department. It is alleged that the petitioner committed fraud. This witness only spoke to the double entries and fraud. He could not say who committed the fraud. M.W. 3 is Ch. Brahmamandam J.M.V., Officer who passed three withdrawals vouchers Exs. M 17, 18 and 25 marked as M.E. 11, 12 and 19 in the domestic enquiry. He says that the petitioner received the amount covered by Exs. M18 and M25 withdrawal vouchers. M.W. 5 is Mr. A.V.G. Krishna Murty, Officer and he opened the account of Nagaraju who was introduced by the petitioner. The petitioner examined himself in the enquiry but he is not cross-examined.

7. The Enquiry Officer considered the evidence available on record and submit Ex. M-14 report with the finding that the charges 1 to 5 are not proved and the 6th charge is proved. The reasons given by him for holding that the 6th charge is proved are as follows: "In nutshell CSE's introduction of Mr. Nagaraju to the Bank; his receipt of cash by tendering withdrawals. His immediate reaction of recovery of cash from Mr. Nagaraju, who was at a distant place; his accessibility to records prove the role and involvement of the charge sheeted employee in the fraud." Thereafter a show cause notice was served upon the petitioner and the punishment of stoppage of 8 annual increments with cumulative effect was imposed. The petitioner preferred an appeal and the Appellate Authority reduced the punishment of stoppage of 8 increments to 5 increments with cumulative effect. Hence, this dispute is raised.

8. The contention that this court cannot interfere in cases other than dismissal or discharge under any circumstances is not correct. It is correct if Section 11-A is only applied. The court can interfere with the punishment even before introduction of Section 11 of the I.D. Act if the punishment is given without any evidence or if the punishment is shockingly disproportionate to the misconduct or when there is victimisation. So this contention is rejected.

9. The allegation against the petitioner is that he tampered with the original credit challans deposited by the Account holders got the amounts credited to the account of Nagaraju who is said to be related to him and made him to withdraw the amount. It is also alleged that himself withdraw some amounts for himself. The Enquiry Officer found that the Management failed to prove that the petitioner committed fraud of replacing the credit challans with substitute credit challan so that the amount can be credited to the account of Nagaraju his relative. When the main charge of fraud by the petitioner is not proved or at least when it is not proved that the petitioner has the knowledge of fraud, I fail to understand as to how he can be punished when he helped Nagaraju to withdraw the amount from Nagaraju's Account. It is admitted fact that Nagaraju is acquainted with the petitioner and so the petitioner introduced him for opening an account. Nagaraju himself withdrew the amount of Rs. 2,500/- on 18-12-1990 as can be seen from Ex. M17. Nagaraju himself on withdrawal forms Exs. M-18 and M-25. Nagaraju signed on the back of Ex. M-18 besides the petitioner. The petitioner alone signed on the back of Ex. M-25. Exs. M-18 and M-25 are D.Ds. Rs. 5,000 each. The explanation of the petitioner as can be seen from Ex. M-17. Nagaraju himself signed on Nagaraju by Counter Clerk to cashier and received the amounts and paid them to Nagaraju. The existence of such a practice is admitted by the Enquiry Officer and observed that "Generally when customers seek help of the staff members for getting cash, staff members in practice take the tokens from them and issue them cash by taking it from the cashier. Staff members, helping the customers, in practice do not sign on the withdrawals when the customers present themselves at the counter. Perusal of ME11 (Ex. M17)

given us impression that Mr. Nagaraju attended the Bank for taking the cash." Thus the petitioner has only helped Nagaraju in taking the amount when there is rush.

10. The fact that the petitioner prevailed upon Mr. Nagaraju to redeposit the amount when it is found that some amounts to which he is not entitled were credited to his account and he withdrew the same, cannot be used against the petitioner. In fact the management wants to use his good conduct against him.

11. When the Bank failed to prove that the petitioner perpetrated the fraud or has knowledge of the fraud he cannot be punished for helping Nagaraju to withdraw the amount. The Enquiry Officer gave inconsistent findings in the penultimate para while holding that charges 1 to 5 are not proved, the last sentence of the last para he states that "his accessibility to records prove the role and involvement of the charge sheeted employee in the fraud." In one voice he says that the fraud is not proved and in another voice he implicates the petitioner. The same mistake is committed by the disciplinary authority.

12. I, therefore, hold that the charge is not proved against the petitioner and the punishment is not justified.

13. An award is passed setting aside the order of punishment passed against the petitioner. The petitioner is entitled to increment with arrears if any.

Dictated to the Steno-typist, transcribed by him, corrected by me given under my hand the seal of this Tribunal this the 3rd day of April, 1997.

V. V. RAGHAVAN, Industrial Tribunal.

#### Appendix of evidence

(No oral evidence for both sides)

Ex. M1.—Chargesheet dt. 3-4-91 issued to the workman.

Ex. M2.—Explanation dt. 10-5-94 submitted by the workman.

Ex. M3.—Enquiry proceedings.

Ex. M4.—Deposition of A.V.S.N. Murthy in the enquiry.

Ex. M5.—Deposition of G.V.R. Koteswara Rao in the enquiry.

Ex. M6.—Deposition of Ch. Brahmamandam in the enquiry.

Ex. M7.—Deposition of A.V.G. Krishna Murthy.

Ex. M8.—Statement of the charge sheeted employee.

Ex. M9.—Xerox copy of the Pay-in-slip dt. 14-12-90.

10. M10.—S. B. Account play-in-slip dt. 14-12-90.

Ex. M11.—Extract of despatch register dt. 17-12-90.

Ex. M12.—Domestic clearing slip of Andhra Bank dt. 17-12-90.

Ex. M13.—Advance credit slip.

Ex. M14.—Credit Advice.

Ex. M15.—Credit voucher dt. 24-12-90.

Ex. M16.—Extract of local Bank Account statement of Andhra Bank.

Ex. M17.—Withdrawal slip for Rs. 2,500.

Ex. M18.—Withdrawal slip for Rs. 5,000.

Ex. M19.—Extract of despatch register dt. 18-12-90.

Ex. M20.—Domestic clearing slip of Andhra Bank dt. 11-1-91.

Ex. M21.—Local Branch of Debit slip dt. 11-1-91.

Ex. M22.—Extract of despatch register of Andhra Bank.

Ex. M23.—Saving Bank Account Slip.

Ex. M24.—Local Bank Account Statement.

- Ex. M25.—Cheque for Rs. 5,000/- dt. 17-1-96.  
 Ex. M26.—S.B.I. Account Account 21464.  
 Ex. M27.—Account Form.  
 Ex. M28.—Letter of N. Appa Rao dt. 4-9-82 and 24-7-82.  
 Ex. M29.—Despatch Register.  
 Ex. M30.—Application for personal loan of N. Appa Rao.  
 Ex. M31.—S.B. Account pay-in-slip dt. 25-1-91.  
 Ex. M32.—Withdrawal slip dt. 28-7-90.  
 Ex. M33.—Pay-in-slip dt. 1-2-91.  
 Ex. M34.—Extract of xerox Register.  
 Ex. M35.—Debit Slip.  
 Ex. M36.—Credit voucher dt. 25-1-90.  
 Ex. M37.—Local Branch Account Slip.  
 Ex. M38.—Report of the Manager Kakinada to the Regl. Manager, Kakinada.  
 Ex. M39.—Written arguments of the Management in the enquiry.  
 Ex. M40.—Written arguments of the petitioner.  
 Ex. M41.—Report of the Departmental Enquiry.  
 Ex. M42.—Charge Sheet dt. 28-9-92.  
 Ex. M43.—Reply at. 12-10-92 to the charge sheet.  
 Ex. M44.—Punishment order dt. 8-1-94 issued to the petitioner.  
 Ex. M45.—Representation of the petitioner to the Personnel Manager, Andhra Bank.  
 Ex. M46.—Confirming the punishment order by the Personnel Manager dt. 9-4-94.  
 Ex. M47.—Representation dt. 4-5-94 made to the Dy. General Manager, Andhra Bank.  
 Ex. M48.—Order of the Appellate Authority dt. 14-6-94.

नई दिल्ली, 15 मई, 1997

का.आ. 1515—श्रीयोगिक विवाद अधिनियम 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार भारतीय जीवन बीमा निगम के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच, अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में केन्द्रीय सरकार श्रीयोगिक अधिकरण I, धनवाद के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-05-97 को प्राप्त हुआ था।

[सं. एल-17012/60/93-प्राई आर (बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 15th May, 1997

S.O. 1515.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Central Government Industrial Tribunal-I, Dhanbad as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of LIC of India and their workmen, which was received by the Central Government on 14-05-97.

[No. L-17012/60/93-IR(B-II)]  
 SANATAN, Desk Officer

#### ANNEXURE

BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL NO. I, DIHANBAD

In the matter of a reference under section 10(1)(d) of the Industrial Disputes Act, 1947

Reference No. 235 of 1994

#### PARTIES :

Employers in relation to the management of L.I.C. of India, Patna.

AND

Their Workmen.

#### PRESENT :

Shri Tarkeshwar Prasad, Presiding Officer.

#### APPEARANCES :

For the Employers : Shri R. R. Bhattacharjee, Advocate.  
 For the Workmen : None.

STATE : Bihar.

INDUSTRY : Insurance.

Dated. the 5th May, 1997

#### AWARD

By Order No. I-17012/60/93-I.R.(B-2) dated 26-7-1994 the Central Government in the Ministry of Labour has, in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947, referred the following dispute for adjudication to this Tribunal :

"Whether the demand of LIC Workers' Union on the management of LIC of India, Patna for provision of employment on compassionate grounds to the widow (Smt. Sumitra Devi) of Late Shri Balram Singh, Sub-staff is justified ? If so, what relief is Smt. Sumitra Devi entitled to?"

2. After notice the parties filed their respective written statements, rejoinder and documents. Thereafter, since long none appeared on behalf of the workman to take any step, even registered notice sent to the sponsoring union. It, therefore, appears that neither the concerned workman nor the sponsoring union is interested in prosecuting the present reference case.

3. Accordingly, I render a 'No dispute' award in the reference case.  
 F--253

TARKESHWAR PRASAD, Presiding Officer

नई दिल्ली, 15 मई, 1997

का.आ. 1516—श्रीयोगिक विवाद अधिनियम, 1947 (1947 का 14) की धारा 17 के अनुसरण में केन्द्रीय सरकार इंडियन बैंक के प्रबंधतंत्र के संबंध नियोजकों और उनके कर्मकारों के बीच अनुबंध में निर्दिष्ट श्रीयोगिक विवाद में श्रीयोगिक अधिकरण I, मद्रास के पंचाट को प्रकाशित करती है, जो केन्द्रीय सरकार को 14-05-97 को प्राप्त हुआ।

[सं. एल-12012/446/90-श्रावि आर बी-II)]

सनातन, डेस्क अधिकारी

New Delhi, the 15th May, 1997

S.O. 1516.—In pursuance of Section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the Award of the Industrial Tribunal, Madras as shown in the Annexure in the Industrial Dispute between the employers in relation to the management of Indian Bank and their workmen, which was received by the Central Government on 17th May, 1997.

[No. L-12012/446/90-IR(B-II)]  
 SANATAN, Desk Officer

## ANNEXURE

BEFORE THE INDUSTRIAL TRIBUNAL,  
TAMIL NADU, MADRAS

Wednesday, the 22nd day of January, 1997  
PRESENT :

Thiru S. Thangaraj, B.Sc., L.L.B., Industrial  
Tribunal.

Industrial Dispute No. 15 of 1992

(In the matter of the dispute for adjudication  
under Section 10(1)(d) of the Industrial Disputes  
Act, 1947 between the Workmen and the Manage-  
ment of Indian Bank, Madras)

## BETWEEN

Sh. G. Yuvaraj,  
27, Iyengar Street,  
Village & P.O. Minnur,  
Taluk Vaniyambadi,  
Tamil Nadu-635 802.

## AND

The Dy. General Manager,  
Indian Bank,  
31, Rajaji Salai,  
Madras-600 001.

## REFERENCE :

Order No. L-12012/446/90-IR(B-II), Minis-  
try of Labour, dated 24th February,  
1992, Government of India, New Delhi.

This dispute coming on for final hearing on Friday, the 13th day of December, 1996, upon per-  
using the Claim and Counter statement and all  
other material papers on record, and upon hearing  
the arguments of Tvl. D. Bharathy & R. Siva-  
kumar, Advocates appearing for the petitioner and  
of Tvl. Aiyar & Dolia, R. Arumugam & B. Hari-  
babu, Advocate appearing for the respondent man-  
agement, and this dispute having stood over till  
this day for consideration, this Tribunal made the  
following.

## AWARD

Government of India, vide their Order No.  
L-12012/446/90-IR(B-II), Ministry of Labour,  
dated February, 1992, have referred to this Tri-  
bunal this dispute for adjudication of the follow-  
ing issue :

"Whether the action of the management of  
Indian Bank, Rajaji Salai, Madras in dis-  
engaging Sh. G. Yuvaraj, as temporary  
sub-staff on leave vacancies is justified ?  
If not, to what relief the workman con-  
cerned is entitled ?"

2. On service of notices, both the petitioner  
and the respondent appeared before this Tribunal  
and filed their claim and counter statement res-  
pectively.

3. The main averments found in the claim state-  
ment are as follows.—The petitioner joined the  
service of the respondent-bank on 10th July, 1977  
as temporary sub-staff at its Ambur branch. The  
petitioner's name was included in the panel of  
temporary sub-staff and he has continuously put  
in 5 years of service. The petitioner is the organi-  
ser of the Indian Bank Temporary Sub-staff Asso-  
ciation. Because of his involvement in the union,  
activities the Branch Manager of Ambur branch  
developed personal animosity against the petitioner  
and wanted to dispense with his service. On 21st  
March, 1983 a charge memo was issued to the  
petitioner calling for his explanation. The petitio-  
ner gave his explanation refuting the charges. The  
petitioner's service was terminated without any  
enquiry. The management in the counter before  
the Regional Labour Commissioner has stated that  
the petitioner has not completed 240 days of ser-  
vice in a period of 12 calendar months. The re-  
moval of the name of the petitioner from the panel  
of temporary sub-staff is in violation of S. 25-F  
of the I.D. Act. Such removal from the panel  
is arbitrary and also violative of Article 14 of the  
Constitution of India. Award may be passed direct-  
ing the respondent to reinstate the petitioner with  
back wages, continuity of service, and all other  
attendant benefits.

4. The main averments found in the counter  
filed by the respondent are as follows :—The peti-  
tioner is not an employee and he worked only on  
casual basis. The petitioner was one of the empannelled  
sub-staffs in Ambur branch of the respondent-  
bank and his name was included in the panel on  
8th October, 1983. The allegation of the petitio-  
ner that he joined the service of the bank on 10th  
July, 1977 is false. On 25th November, 1985 a  
settlement was entered into between the bank and  
the recognised union/Federation. As per Clause 2  
of the Settlement, the sub-staffs those who have  
worked for 120 days as on 31st December, 1984  
would be included in the panel. Accordingly the  
petitioner was also included in the panel of casual  
employees. On 15th December, 1984 the petitio-  
ner misbehaved in the branch and he abused the  
Branch Manager in filthy language. The petitio-  
ner was called upon to explain as to why his name  
should not be removed from the panel of sub-staff.  
He has given his explanation dated 27th March,  
1989 and since the explanation was not satisfac-  
tory his name was removed from the panel and  
he was disengaged on 4th August, 1989. The ques-  
tion of holding any enquiry does not arise because  
the petitioner was not a regular employee of the  
bank and he was outside the establishment of the  
bank. The provisions of S. 25F of the I.D. Act,  
1947 is not attracted to the cause of the petitioner

and Article 14 of the Constitution of India has also no application or relevance. In none of the years from 1983 to 1988 he had worked 240 days. The maximum days worked by him during these years was 143 days in 1986. In the 12 months proceeding to the date of disengagement namely 4th August, 1989, the petitioner has not worked for 240 days. Therefore, the question of invoking S. 25F does not arise. Hence I.D. may be dismissed.

5. The only point for our consideration is : Whether the action of the management of Indian Bank, Rajaji Salai, Madras in engaging Sh. G. Yuvaraj, as temporary sub-staff on leave vacancies is justified ? If not, to what relief the workman concerned is entitled ?

6. The Point : The petitioner was a sub-staff in the panel meant for the casual sub-staffs in the Ambur branch of the respondent-bank. His name was included in the panel w.e.f. 7th October, 1983. The contention of the petitioner that he joined the service of the bank on 10th July, 1977 and he was a temporary employee of the bank are all facts not true to his knowledge.

7. On 15th December, 1988 the petitioner went to Ambur Branch seeking engagement. It seems there was no vacancy on that day to engage him as a sub-staff. When the manager denied engagement on the ground of no vacancy, the petitioner immediately abused the Manager in filthy language. The words are stated in Tamil in para 4 of the counter statement. Branch Manager of Ambur branch sent a report Ex. M. 3 on the same day to the Regional Manager, Vellore. A fact finding mission was ordered and one Shri B. Arunachalam went to Ambur branch and he enquired staff members and others present there. The statement given by the staff members confirming the incident is Marked as Ex. M. 4. The staff members have stated that the petitioner abused the Branch Manager in unparliamentary words. The three letters confirming the occurrence given by three customers of the bank are marked as Ex. M. 13 to M. 15. On the basis of the report, an explanation was called for from the petitioner. Thereafter his name was deleted from the panel of sub-staff under Ex. M. 3 order by the Zonal Manager, Madras. Against the said order, the petitioner has raised this dispute.

8. The main contention on the side of the petitioner was that the provisions of S. 25F of I.D. Act, has not been followed by the respondent-bank. In Para 6 of the counter, it has been stated that the petitioner has worked 35 days in 1983, 131 days in 1984, 29 days in 1985, 143 days in 1986, 68 days in 1987 and 80 days in 1988. The petitioner has admitted that he was engaged by the bank whenever the permanent sub-staff was either absent or on leave and that he was paid wages for

the days he worked. The inclusion of name of the petitioner in the panel for casual sub-staff will not give him any right for the reason that during those years in no 12 calendar months, he had worked for 240 days to qualify himself to claim the provisions of Sec. 25F of the I.D. Act. The petitioner in his evidence has admitted that in none of the years he had worked for 240 days till his name was removed from the panel on 4th August, 1989 and that during the previous 12 months he had not worked for 240 days. Even from the admission of the petitioner it is clear that he has not qualified himself to claim that Sec. 25F has to be followed before retrenching him from service. Hence Sec. 25F is not applicable to the case of the petitioner.

9. Though the petitioner has claimed that order passed by the respondent bank is in violation of Article 14 of the Constitution of India, the same was not explained during the trial and there is no valid reason to say that the order passed by the bank removing his name from the panel of casual sub-staff, will attract the said article.

10. The petitioner has drawn my attention to a decision of our Supreme Court in Ramakant Misra Vs. State of Uttar Pradesh & Ors. (1982 3 SCC P. 346) at page 351, it has been held :

"What has happened here. The appellant was employed since 1957. The alleged misconduct consisting of use of indiscreet or abusive or threatening language occurred on 18th November, 1971 meaning thereby that he had put in 14 years of service. Appellant was secretary of the workmen's union. The respondent management has not shown that there was any blameworthy conduct of the appellant during the period of 14 years service he rendered prior to the date of misconduct and the misconduct consists of language indiscreet, improper or disclosing a threatening posture. When it is said that language discloses a threatening posture it is subjective conclusion of the person who hears the language because voice modulation of each person in the society differs and indiscreet, improper abusive language may show lack of culture but merely the use of such language on one occasion unconnected with any subsequent positive action and not preceded by any blameworthy conduct cannot permit an extreme penalty of dismissal from service."

In the present case, the petitioner was only an empanelled casual sub-staff of the respondent-bank. His case cannot be compared with the case of the other man who had put in 14 long number of years of service. Even during the casual employment the petitioner has misbehaved with the

Branch Manager and abused him in filthy and vulgar language. Considering his behaviour, the action taken by the management cannot be said to be wrong that if his services are continued it will create many more problems to the respondent bank. The staff members and three customers had given the reports regarding the occurrence. They are marked as Exs. M. 4 and M. 13 to M. 15. Considering these facts, and also the casual nature of work offered to the petitioner by the bank offered to the petitioner by the bank as and when contingencies arose, make us to support the action taken by the respondent-bank. Therefore, the above decision cannot be applied to the facts of the present case.

10. From the foregoing reasons, it is clear that the relief claimed by the petitioner cannot be accepted.

In the result, an award is passed dismissing the claim of the petitioner. No costs.

Dated, this the 22nd day of January, 1997.

S. THANGARAJ, Industrial Tribunal

#### WITNESSES EXAMINED

For Workman :

W.W.1—Thiru G. Yuvaraj.

For Management :

M.W.1—Thiru K. S. Jagadeesan.

#### DOCUMENTS MARKED

Ex. W-1|29-11-92—Letter from the Branch Manager to the Central Office enclosing application to the Petitioner-workman.

Ex. W-2|19-3-87—Application form submitted under the Trade Unions Act for registration of Union (xerox copy).

Ex. W-3|29-11-90—First of the Bank Pass Book of the Trade (xerox copy).

Ex. W-4|29-11-90—Bye-law of the Trade Union and Membership list (xerox copy).

Ex. W-5|27-7-87—Phamphlet released by the Union (xerox copy).

Ex. W-6|25-9-87—A news report published in a Tamil weekly about the activities of the Union (xerox copy).

Ex. W-7|21-3-89—Memo issued by the respondent-bank to the petitioner-workman (xerox copy).

Ex. W-8|27-3-87—Reply submitted by the petitioner-workman to Ex. W-7 (xerox copy)

Ex. W-9|4-8-89—Order passed by the Zonal Manager of the respondent-bank removing the name of the petitioner-workman from the panel of temporary sub-staff (xerox copy).

Ex. W-10|31-1-90—Appeal submitted by the petitioner-workman to the Regional Labour Commissioner (xerox copy).

#### For Management :

Ex. M-1|29-9-87—Judgement copy of the judicial Magistrate Court, Ambur (xerox copy).

Ex. M-2|19-4-88—Letter by the Branch Manager, Ambur branch of the respondent-bank to the Regional Manager (xerox copy).

Ex. M-3|15-12-88—Letter by the Branch Manager, Ambur branch of the respondent-bank to the Regional Manager (xerox copy).

Ex. M-4|15-12-88—Statement given by the customers' of the respondent-bank (xerox copy).

Ex. M-5|21-3-89—Letter by the Zonal Office of the respondent-bank to the petitioner-workman (xerox copy).

Ex. M-6|21-3-89—Acknowledgement by the petitioner-workman for receiving Ex. M-5 (xerox copy).

Ex. M-7|23-3-89—Letter by the Branch Manager, Ambur branch to the Zonal office of the Respondent-bank (xerox copy).

Ex. M-8|15-5-89—Letter by the Branch Manager to the Zonal Office of the Respondent-bank (xerox copy).

Ex. M-9|4-8-89—Letter from the Zonal Office Vigilance department of the respondent-bank to the petitioner-workman (xerox copy).

Ex. M-10|18-10-89—Letter from the respondent-bank to the Asst. Commissioner of Labour (xerox copy).

Ex. M-11|2-7-90—Letter from the respondent-bank to the Asst. Commissioner of Labour (xerox copy).

Ex. M-12|2-7-90—Memorandum of Settlement u/s. 12(3) of the I.D. Act.

Ex. M-13|26-4-89—Thiru T. C. Benny's letter (complaint) against the petitioner-workman addressed to Mr. V. Arunachalam (xerox copy).

Ex. M-14/26-4-89—Tmt. Vijaya Boopathy's complaint against the petitioner-workman (xerox copy).

Ex. M-15/26-4-89—Thiru G. Venkatesan's complaint against the petitioner-workman (xerox copy).

नई दिल्ली, 21 मई, 1997

का.आ. 1517 कर्मचारी भविष्य निधि एवं प्रकीर्ण उपकरण अधिनियम, 1952 (1952 का 19) की धारा 5क की उन्नारा (1) द्वारा प्रदत्त शक्तियों का प्रयोग करते हुए केन्द्रीय सरकार श्री बी.बी. चैरियर को केन्द्रीय भविष्य बोर्ड के भविष्य के रूप में नियमन करने हैं आर 10 अप्रैल, 1997 को भारत के राजपत्र, असाधारण के भाग-II द्वड 3, उद्घांड (ii) में प्रकाशित भारत मंत्रालय की दिनांक 9 अप्रैल, 1997 को अधिसूचना का.आ. संख्या 321(अ) में निम्नलिखित संशोधन करती है।

2 उक्त अधिसूचना में क्रमसंख्या 42 के सामने आर डम्प्स बोर्ड प्रशिक्षियों के लिये निम्नलिखित प्रतिस्थापित किया जाएगा अर्थात् —

श्री बी.बी. चैरियर,  
राजपत्र, नीट,  
दातानपराप्रिय श्राउम,

जनासा पी.ओ. फिल्टर नाम से  
कोचीन, केरल-25.

[संख्या वी-20012/1/95-एस.एस.-II]  
जे.पी. शुक्ला अवर मंत्रिव

New Delhi, the 21st May, 1997

S.O. 1517.—In exercise of the powers conferred by sub-section (1) of section 5A of the Employees' Provident Funds and Miscellaneous Provisions Act, 1952 (19 of 1952), the Central Government hereby appoints Shri V. B. Cherian as a member of the Central Board of Trustees and makes the following amendment in the Notification of the Government of India in the Ministry of Labour No. S.O. 321(E) dated the 9th April, 1997 published in Part-II section 3, sub-section (ii) of the Gazette of India Extraordinary dated 10th April, 1997.

2. In the said notification, against serial No. 42 and entries relating thereto, the following shall be inserted, namely:—

Shri V. B. Cherian,  
Secretary, CITU,  
Valamparambli House,  
Vennala P.O. Near Thajkkavu Jn.,  
Kochi, Kerala-25.

[No. V-20012/1/95-SS. II]  
J. P. SHUKLA, Under Secy.